Students

ADMINISTRATIVE REGULATIONS CONCERNING PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF EXCLUSIONARY TIME OUT **5144.1AR(a)**

The Fairfield Public Schools (the "District") seeks to foster a safe and positive learning environment for all students. District employees will restrict the use of physical restraint and seclusion of students to emergency situations, in accordance with these administrative regulations and the associated policy and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. District employees will restrict the use of exclusionary time out with students to those instances permitted by applicable law, as described in these administrative regulations and applicable law.

The following sets forth the procedures for compliance with the relevant state law and regulations concerning the physical restraint and seclusion of, and use of exclusionary time out with, students in the District. The Superintendent mandates compliance with these regulations at all times. Violations of these regulations by a Fairfield Board of Education ("Board") staff member or other individual working at the direction of, or under the supervision of, the Board, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the responsibility of the District to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220.

I. Definitions:

A. Exclusionary Time Out: A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

B. Life-Threatening Physical Restraint: Any physical restraint or hold of a person that (1) restricts the flow of air into a person's lungs, whether by chest compression or any other means, or (2) immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

C. Psychopharmacological Agent: Any medication that affects the central nervous system, influencing thinking, emotion or behavior.

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D. Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. The term does not include: (1) briefly holding a person in order to calm or comfort the person; (2) restraint involving the minimum contact necessary to safely escort a person from one area to another; (3) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a person from injuries due to a fall; (5) helmets, mitts and similar devices used to prevent self-injury when the device is (i) part of a documented treatment plan or an Individualized Education Program ("IEP"); or (ii) prescribed or recommended by a medical professional, as defined in section 38a-976 of the Connecticut General Statutes, and is the least restrictive means available to prevent such injury; or (6) an exclusionary time out.

E. School Employee: (1) Any individual employed by the District who is a teacher, substitute teacher, administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, paraprofessional, coach; and (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the District pursuant to a contract with the District.

F. Seclusion: The confinement of a person in a room from which the student is physically prevented from leaving. Seclusion does not include the following: (i) an exclusionary time out; or (ii) any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension.

G. Student: a child who is

1. enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education;

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2. receiving special education and related services in an institution or facility operating under a contract with a local or regional board of education pursuant to subsection (d) of section 10-76d of the Connecticut General Statutes;

3. enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a of the Connecticut General Statutes; OR

4. receiving special education and related services from an approved private special education program.

II. Life-Threatening Physical Restraint

A No school employee shall under any circumstance use a life-threatening physical restraint on a student.

B. Nothing in this section shall be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive, of the Connecticut General Statutes.

III. Procedures for Physical Restraint and Seclusion of Students

A. No school employee shall use physical restraint or seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.

B. Seclusion shall not be used as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act.

C. No school employee shall use physical restraint or seclusion on a student unless the school employee has received training in accordance with state law and/or the District's training plans as described in Section XI below, upon implementation thereof.

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D. Physical restraint and seclusion of a student shall never be used as a disciplinary measure or as a convenience.

E. School employees must explore ALL less restrictive alternatives prior to using physical restraint or seclusion for a student.

F. School employees must comply with all regulations promulgated by the Connecticut State Department of Education in their use of physical restraint and seclusion with a student.

G. Monitoring

1. Physical restraint: A school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by either:

   a. direct observation of the student; or

   b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

2. Seclusion: A school employee must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by either:

   a. direct observation of the student; or

   b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

H. Length

1. Any period of physical restraint or seclusion:

   a. shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment; and

b. shall not exceed fifteen (15) minutes, except as provided below.

2. If any instance of physical restraint or seclusion of a student used as an emergency intervention exceeds fifteen (15) minutes, one of the following individuals, who have received training in the use of physical restraint or seclusion, will determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others:

a. an administrator, or such administrator's designee;

b. a school health or mental health personnel; or

c. a board certified behavior analyst.

3. The individual identified under subsection 2 (a-c) shall make a new determination every thirty (30) minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

I. A school employee must regularly evaluate the student being physically restrained or secluded for signs of physical distress. The school employee must record each evaluation in the educational record of the person being physically restrained or secluded.

IV. Seclusion Room Requirements

Seclusion can happen in any location, although the District may designate an area or room for this purpose. Regardless of location, any room used for seclusion must:

A. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;

B. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;

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C. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;

D. be free of any object that poses a danger to the student who is being placed in the seclusion room;

E. conform to applicable building code requirements.

If the door or doors to a room used for seclusion are to be locked, latched or otherwise secured, a modification from the State Fire Marshal's office shall be secured prior to the installation of a locking mechanism. If a door-locking mechanism is used, the student shall be constantly monitored notwithstanding any other provisions of the Connecticut General Statutes or Regulations to the contrary. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:

1. the need to provide direct and immediate medical attention to the student;

2. fire;

3. the need to remove the student to a safe location during a building lockdown; or

4. other critical situations that may require immediate removal of the student from seclusion to a safe location.

F. have an unbreakable observation window or fixture located in a wall or door, which allows the student a clear line of sight beyond the area of seclusion, to permit frequent visual monitoring of the student and any school employee in such room. The requirement for an unbreakable observation window does not apply if

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it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a student.

V. Use of Psychopharmacologic Agent

A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:

1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or

2. as an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.

B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.

C. Any administration of a psychopharmacologic agent must ONLY be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy.

VI. Procedures for Exclusionary Time Out

A. No school employee may use exclusionary time out as a form of discipline for a student.

B. At least one school employee must remain with the student, or be immediately available to the student such that the student and the employee are able to communicate verbally, throughout the exclusionary time out.

C. The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming the student or deescalating the student's behavior.

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D. The exclusionary time period must end as soon as possible.

E. Consistent with subsection D above, the exclusionary time out period may vary depending on the student's chronological and developmental age, individual needs and behavior.

VII. Required Meetings

A. Students not eligible for special education (and not being evaluated for eligibility for special education)

1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:

a. conduct or revise a behavioral assessment of the student;

b. create or revise any applicable behavior intervention plan; and

c. determine whether such student may require a referral for consideration for special education pursuant to federal and state law.

2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.

B. Students eligible for special education (and students being evaluated for eligibility for special education)

1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, the student's PPT shall convene to:

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a. conduct or revise a functional behavioral assessment ("FBA");

b. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and

c. review or revise the student's IEP, as appropriate.

2. In the event that the exclusionary time out process is unsuccessful in addressing a student's problematic behavior, the student's PPT shall convene as soon as practicable to determine alternative interventions or strategies to address the student's behavior.

C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

VIII. Crisis Intervention Team

A. Each school year, each school in the District must identify a crisis intervention team consisting of any teacher, administrator, school paraprofessional or other school employee designated by the school principal (in coordination with other appropriate administrators), and who has direct contact with students.

B. Members of crisis intervention teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or others.

C. The District shall maintain a list of the members of the crisis intervention team for each school.

IX. Documentation and Communication

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A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the form provided by the District for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the student who was physically restrained or secluded. The information documented on the form must include the following:

1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;

2. a detailed description of the nature of the restraint or seclusion;

3. the duration of the restraint or seclusion;

4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; AND

5. whether the seclusion of a student was conducted pursuant to an IEP.

B. A school employee must notify the parent or guardian of a student on the same day of each incident that the student is physically restrained or secluded.

1. A school employee must make a reasonable attempt to immediately notify a parent or guardian after a student is initially placed in physical restraint or seclusion; in all circumstances, a school employee shall notify the parent or guardian on the same day that a student is initially placed in physical restraint or seclusion.

2. Notification must be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.

3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed incident report of

such action no later than two (2) business days after the use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.

4. The Executive Director of Special Education or his or her designee shall determine what school employees shall be permitted to ensure that required parent/guardian notifications are made.

C. The Executive Director of Special Education or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Department of Education relating to physical restraint and seclusion.

1. The Executive Director of Special Education or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the student's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.

2. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the student's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the student's IEP.

D. The Executive Director of Special Education or his or her designee, must be notified of the following:

1. each use of physical restraint or seclusion on a student;

2. the nature of the emergency that necessitated its use;

3. whether the seclusion of a student was conducted pursuant to an IEP; AND

4. if the physical restraint or seclusion resulted in physical injury to the student.

X. Responsibilities of the Executive Director of Special Education or his or her designee

A. The Executive Director of Special Education or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion, and whether instances of seclusion were conducted pursuant to IEPs.

B. The Executive Director of Special Education or his or her designee, must report to the Connecticut State Department of Education within two (2) business days any instance of physical restraint or seclusion that resulted in physical injury (serious and non-serious) to the student.

XI. Professional Development Plan and Training

A. The District shall provide training regarding the physical restraint and seclusion of students to the members of the crisis intervention team for each school in the District identified in Section VIII, above. The District may provide such training to any teacher, administrator, school paraprofessional or other school employee, designated by the school principal and who has direct contact with students. The District shall provide such training annually and the training shall include, but not be limited to:

1. Beginning with the school year commencing July 1, 2017, an annual overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. Such overview shall be provided by the

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Department of Education in a manner and form as prescribed by the Commissioner of Education.

2. The creation of a plan to provide training regarding the prevention of incidents requiring physical restraint or seclusion of students. This plan shall be implemented not later than July 1, 2018.

3. The creation of a plan to provide training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:

    a. verbal defusing or de-escalation;

    b. prevention strategies;

    c. various types of physical restraint;

    d. the differences between life-threatening physical restraint and other varying levels of physical restraint;

    e. the differences between permissible physical restraint and pain compliance techniques;

    f. monitoring methods to prevent harm to a student who is physically restrained or in seclusion; and

    g. recording and reporting procedures on the use of physical restraint and seclusion.

    This plan shall be implemented not later than July 1, 2018.

B. Each member of a crisis intervention team must be recertified in the use of physical restraint and seclusion pursuant to Section XI.A.3, above, on an annual basis.

XII. Review and Revision of Policies, Regulations and Procedures

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A. The District shall make available policies and procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out on the District's Internet web site and procedures manual.

B. The District shall update any policies, regulations and/or procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out within sixty (60) days after the State Department of Education's adoption or revision of regulations regarding the same. Any and all such updates shall be made available in accordance with subsection A of this section.

Legal References:

Conn. Gen. Stat. § 10-76b
Conn. Gen. Stat. § 10-76d
Conn. Gen. Stat. § 10-236b
Conn. Gen. Stat. §§ 53a-18 to 53a-22
Conn. Agencies Reg. §§ 10-76b-5 to 10-76b-11

Other References:

Restraint and Seclusion: Resource Document, United States Department of Education, available at http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018).

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut State Department of Education (Revised, July 2018).

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