

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm.

Definitions

Exclusionary time out means 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.

Life-threatening physical restraint means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

Psychopharmacologic agent means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

Physical restraint means 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. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury or an exclusionary timeout.

School employee means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.

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Definitions (continued)

Seclusion means the involuntary confinement of a student in a room, ~~with or without staff supervision, in a manner that prevents the student from leaving.~~ Seclusion does not include 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 and time-out **an exclusionary timeout.**

Student means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

~~**Exclusionary time out** means 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.~~

Conditions Pertaining to the Use of Physical Restraint and/or Seclusion

- A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- B. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- C. No student shall be placed in seclusion unless:
 - a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

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Conditions Pertaining to the Use of Physical Restraint and/or Seclusion (continued)

- b. Such student is continually monitored by a school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
 - c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
 - d. Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time.
- D. School employees may not use a psychopharmacologic agent on a student without that student's consent 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, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. 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.
- E. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
- a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
 - i. Conducting or revising a behavioral assessment of the student;
 - ii. Creating or revising any applicable behavioral intervention plan; and
 - iii. Determining whether such student may require special education.
 - b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.

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Conditions Pertaining to the Use of Physical Restraint and/or Seclusion (continued)

- F. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated.
- G. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion.
- H. ~~Beginning July 1, 2016,~~ The Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
 - a. Record each instance of the use of physical restraint or seclusion on a student;
 - b. Specify whether the use of seclusion was in accordance with an individualized education program;
 - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
 - d. Include such information in an annual compilation on its use of such restraint and seclusion on students.
- I. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.
- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
 - a. 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; and
 - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

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Required Training and Prevention Training Plan

The Board shall provide training to any teacher, administrator, school professional or other school employee, designated by the school principal and/or who has direct contact with students regarding physical restraint and seclusion of students. Such training shall be provided during the school year ~~commencing July 1, 2017 and each school year thereafter~~, and shall include, but not be limited to:

1. An 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 is to be provided by the Department of Education ~~commencing July 1, 2017 and annually thereafter~~, in a manner and form as prescribed by the Commissioner of Education.*)
2. The creation of a plan by which the Board will provide training regarding the prevention of incidents requiring physical restraint or seclusion of students.

~~Such plan is to be implemented not later than July 1, 2018.~~

3. The Board will create a plan, ~~to be implemented not later than July 1, 2018~~, requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
 - a. Verbal defusing and de-escalation;
 - b. Prevention strategies;
 - c. Various types of physical restraint and seclusion;
 - 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; and
 - f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
 - g. Recording and reporting procedures on the use of physical restraint and seclusion.

Intervention Teams

~~For the school year commencing July 1, 2017 and~~ **Each school year**, thereafter, the Board requires each school in the District to identify the intervention team. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal and who has direct contact with student and trained in the use of physical restraint and seclusion.

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Intervention Teams (continued)

The intervention team 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 to others.

Each member of the intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis. The Board shall maintain a list of the members of the intervention teams for each school.

Exclusionary Time Out

Not later than January 1, 2019, the Board establishes this portion of this policy regarding the use of an exclusionary time out, as defined in this policy. This policy regarding exclusionary time outs includes, but need not be limited to, the following requirements:

1. exclusionary time outs are not to be used as a form of discipline;
2. at least one school employee remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out;
3. the space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior;
4. the exclusionary time out period terminate as soon as possible; and
5. if such student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

(cf. 4148/4248 - Employee Protection)

(cf. 5141.23 - Students with Special Health Care Needs)

(cf. 5144.2 – Use of Exclusionary Time Out Rooms)

Legal Reference: Connecticut General Statutes

10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services.

10-236b Physical restraint and seclusion of students by school employees.
(as amended by PA 17-220 and PA 18-51)

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Legal Reference: Connecticut General Statutes (continued)

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

53a-20 Use of physical force in defense of premises.

53a-21 Use of physical force in defense of property.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.
State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.

Policy adopted: May 19, 2011
Policy revised: December 6, 2012
Policy revised: March 1, 2018
Policy revised:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

**New Fairfield Public Schools
Incident Report of Physical Restraint**

Note: Any use of physical restraint is to be documented in the child's educational record and, if appropriate, in the child's school health record. Use of the CSDE Incident Report of Physical Restraint is required and should be completed as soon after the incident as possible or within 24 hours of the incident.

Physical Restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a child's arms, legs or head including, **but not limited to, carrying or forcibly moving a person from one location to another.** It does not include: (1) briefly holding a child in order to calm or comfort the child; (2) restraint involving the minimum contact necessary to safely escort a child from one area to another; (3) ~~medication~~ **medical** devices, including supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a child from injuries due to a fall; or (5) helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or IEP **pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional** and is the least restrictive means available to prevent self-injury or (6).

District Information

School District: **New Fairfield** Address: **3 Brush Hill Road** Phone: (203) 312-5770
School: _____ Address: _____ Phone: _____
Date of Restraint: _____ Date of Report: _____

Person preparing the report: _____
Time restraint initiated: _____ Time restraint ended: _____ Total time of restraint: _____

Student Information

Student's Name: _____ SASID#: _____ Date of Birth: _____
Age: _____ Gender (M/F): _____ Grade: _____ Race: _____ Disability: _____
_____ The student currently receives special education services.

_____ The student is being evaluated or considered for eligibility for special education services.

Staff Information

Name of staff administering restraint: _____ Title: _____
Name of staff monitoring/witnessing restraint: _____ Title: _____

Student activity/behavior precipitating use of restraint

Describe the location and activity in which the student was engaged just prior to the restraint:

Describe the risk of immediate or imminent injury to the student restrained or to others that required the use of restraint: _____

Staff activity/response

Describe other steps, including de-escalation strategies implemented to prevent the emergency, which necessitated the use of restraint: _____

Describe the nature of the physical restraint: (include the type of hold/restraint and the number of persons required): _____

Did the student demonstrate physical distress during the restraint? Yes No

Indicate times student was monitored for physical distress and if any signs of physical distress were noted (*To be completed by school nurse.*): _____

Describe the disposition of the student following the restraint (*To be completed by school nurse.*): _____

Was the student injured during the emergency use of restraint? Yes No

If "yes," complete and attach a Report of Injury.

Parent/Guardian Notification

Was parent/guardian notified within 24 hours of the incident?

Yes (indicate manner) _____

No

A copy of the Incident Report sent to parent/guardian within two business days.

Date copy was mailed to parent/guardian: _____

Is a PPT recommended to modify the IEP? Yes No

If "yes," indicate date _____

**New Fairfield Public Schools
Incident Report of Seclusion**

Note: Any use of seclusion is to be documented in the child's educational record and, if appropriate, in the child's school health record. Use of the CSDE Incident Report of Seclusion is required and should be completed as soon after the incident as possible or within 24 hours of the incident.

Seclusion means the involuntary confinement of a student in a room, ~~with or without staff supervision, in a manner that prevents the student from leaving.~~ Seclusion does not include 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 and time-out **an exclusionary timeout.**

Seclusion: ~~The confinement of a person in a room, whether it be alone or with supervision in a manner that prevents the person from leaving the room. In a public school, seclusion does not mean any confinement of a child where the child is physically able to leave the area of confinement including in-school suspension and time-out.~~

District Information

School District: **New Fairfield** Address: **3 Brush Hill Road** Phone: (203) 312-5770

School: _____ Address: _____ Phone: _____

Date of Seclusion: _____ Date of Report: _____

Person preparing the report: _____

Time seclusion initiated: _____ Time seclusion ended: _____ Total time of seclusion: _____

Student Information

Student's Name: _____ SASID#: _____ Date of Birth: _____

Age: _____ Gender (M/F): _____ Grade: _____ Race: _____ Disability: _____

_____ The student currently receives special education services.

_____ The student is being evaluated or considered for eligibility for special education services.

Staff Information

Name of staff administering seclusion: _____ Title: _____

Name of staff monitoring/witnessing seclusion: _____ Title: _____

Student activity/behavior precipitating use of seclusion

Describe the location and activity in which the student was engaged just prior to the seclusion:

Describe the risk of immediate or imminent injury to the student secluded or to others that required the use of seclusion: _____

Staff activity/response

Describe other steps, including de-escalation strategies implemented to prevent the emergency, which necessitated the use of seclusion: _____

Describe the nature of the seclusion: (Was it used as an emergency procedure to prevent immediate or imminent injury to the student or others? Was it use as a behavior intervention as indicated in the IEP? If in the IEP, did the situation/emergency meet the criteria as outlined?):

Did the student demonstrate physical distress while in seclusion? Yes No

Indicate times student was monitored for physical distress and if any signs of physical distress were noted (*To be completed by school nurse.*):

Describe the disposition of the student following the use of seclusion (*To be completed by school nurse.*): _____

Was the student injured during the emergency use of seclusion? Yes No

If "yes," complete and attach a Report of Injury.

Parent/Guardian Notification

Was parent/guardian notified within 24 hours of the incident?

Yes (indicate manner) _____

No

A copy of the Incident Report sent to parent/guardian within two business days.

Date copy was mailed to parent/guardian: _____

Is a PPT recommended to modify the IEP? Yes No

If "yes," indicate date _____