



CONNECTICUT STATE DEPARTMENT OF EDUCATION

# Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion in Schools

September 2015



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## PA 15-141 and Regulations

**Effective July 1, 2015**, PA 15-141 provides revisions to previous legislation. The implementation is further articulated in the current Connecticut Special Education Regulations related to the use of restraint and seclusion in schools.

Generally, PA 15-141 expands the prohibition of the use of restraint and seclusion except in emergency situations to:

- all public school students Grades K-12, in addition to:
  - students identified as requiring special education and those students in the process of evaluation to determine special education eligibility (3-21).

PA 15-141 provides additional and revised definitions of terms, prohibitions, monitoring requirements and the necessity to hold a planning and placement team (PPT) meeting for identified special education students or a meeting for general education students. Additional requirements articulated in PA 15-141 include those related to:

- prohibition of prone restraint;
- limits on the use of seclusion as a planned intervention;
- monitoring and documentation;
- the development of building level Crisis Intervention Teams;
- rooms used for seclusion; and



## PA 15-141 and Regulations

(continued)

- the need for districts to create and implement a plan to train all school professionals, paraprofessionals and administrators around the prevention of the use of restraint and seclusion and how to appropriately intervene when necessary.

The most recent revisions to the Connecticut Special Education Regulations were adopted in July 2013, provide additional requirements related to the implementation of PA 15-141 and remain in effect where they do not conflict with the intent of PA 15-141.

**PA 15-141 prohibits of the use of restraint and seclusion except in emergency situations.**

Previously, this prohibition and all other requirements related to the use of restraint and seclusion applied **ONLY** to identified special education students or students “at risk,” ages 3-12.

**As of July 1, 2015, this prohibition expands to all public school students Grades K-12 in addition to students identified as requiring special education and those students in the process of evaluation to determine special education eligibility, ages 3-21.**



## Exceptions to the Prohibition of the Use of Restraint and Seclusion

- as an emergency response to prevent **immediate or imminent injury to the person at risk or to others**, provided the emergency restraint or emergency seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative;
- when necessary **to maintain a safe school** setting in accordance with the Connecticut General Statutes (CGS) Section 10-220; or
- to supersede the provisions of the subdivision of the CGS Section 53a-18 concerning the use of **reasonable physical force**; and
- when seclusion is specifically provided for in a behavior intervention plan (BIP) within an individualized education program (IEP) developed pursuant to CGS Section 10-76d.



## Definition of Terms

(continued)

### **Student** (new)

A child:

- enrolled in Grades K-12, in public a school under the jurisdiction of a local or regional board of education; and
- receiving special education and related services from a local or regional board of education including via contracted services, placement in a Connecticut State Department of Education (CSDE) Approved Private Special Education Program, Regional Education Service Center or other private facility, ages 3 to 21.

\* No Longer includes a child receiving services from Unified School District 2 (Department of Children and Families) or the Department of Mental Health and Addiction Services.



## Definition of Terms

(continued)

### **Physical Restraint** (no change)

Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head.

#### The term **does not include**:

- 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 and is the least restrictive means available to prevent such self-injury.



## Definition of Terms

(continued)

### **Life Threatening Physical Restraint (revised)**

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**. (new)

**This section shall not be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under the CGS Sections 53a-18 to 53a-22, inclusive.**

### **Psychopharmacological agent (no change)**

Any medication that affects the central nervous system, influencing thinking, emotion or behavior.



## Definition of Terms

(continued)

### **Seclusion** (no change)

The confinement of a person in a room, whether alone or with staff supervision, in a manner that prevents the person from leaving.

### **The term does not include:**

- any confinement of a person at risk in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.



# Definition of Terms

## School Employee (new)

- teacher;
- substitute teacher;
- administrator;
- superintendent;
- guidance counselor;
- psychologist;
- social worker;
- nurse;
- physician;
- paraprofessional;
- coach; and
- any other individual who in the course of performing his/her duties, has regular contact and provides services to or on behalf of students enrolled in public school or pursuant to a public school contract.



## Summary of Requirements of PA 15-14 and State Regulations

The use of “emergency restraint” and “emergency seclusion” is restricted to **emergency situations in which there is imminent risk of injury by a student to self or others.**

Any school employee who places a student in an emergency restraint or an emergency seclusion **must have received training related to the proper means of conducting a restraint or a seclusion.**

**“Emergency” restraint and “emergency” seclusion** are responses to situations in which there is imminent risk of injury by a student to self or others (emergency). **The use of these “emergency” responses are not “planned interventions” and are not included in an IEP** developed for a student identified as a special education student.



# What Constitutes an “Emergency”?



**An “emergency” is a situation which poses risk of immediate or imminent injury to self or others which typically warrants an “unplanned response.”**

## **Emergency Situations:**

- physical aggression towards others (students or staff); and
- self injurious behavior.



## **Non-Emergency Situations:**

- throwing objects (not directed)
- leaving an area
- tipping chairs
- destruction of property (if it does not impose an immediate/imminent danger to others)
- roaming/running around classroom
- inappropriate verbalization/swearing
- refusals

The use of emergency restraint or emergency seclusion should not be identified in the IEP. Emergency use of restraint and emergency use of seclusion are more appropriately documented in a district’s/school’s Policies and Procedures Handbook, Where protocol for a response to a situation which poses risk of immediate or imminent injury to self or others can be articulated.

**Consent for the use of emergency restraint or emergency seclusion is not required.**



## Limits on the Use of Seclusion in an IEP

### Seclusion as a Behavior Intervention

**Seclusion may be used as a “behavior intervention” ONLY if:**

- a functional behavior assessment has been conducted and a behavior intervention plan has been developed;
- this action is specified in the IEP via the behavior intervention plan of the person at risk; and
- if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the person at risk have been implemented but were ineffective.

**Less restrictive interventions and their ineffectiveness must be documented in the IEP.**



## Seclusion as a Behavior Intervention

If the PPT of a student identified as a special education student or in the process of an evaluation to determine special education eligibility concludes that based upon the results of a functional behavioral assessment (FBA) and other information considered relevant by the PPT, that the use of seclusion is an appropriate intervention, **seclusion as a behavior intervention may be articulated in the IEP through a BIP.**



## Seclusion as a Behavior Intervention

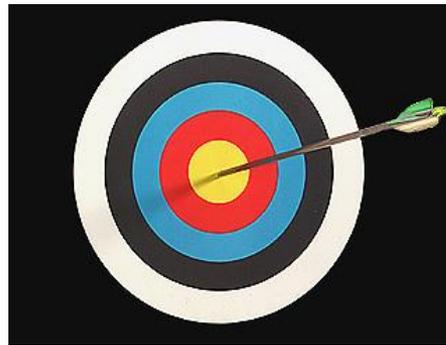
The **PPT must include the justification of the decision to use seclusion as a planned intervention in the IEP. Documentation must include the assessment data (i.e., FBA) and other relevant information in the IEP.** If the use of seclusion as a behavior intervention is proposed by the PPT, the **IEP shall specify** the following:

- location of seclusion, which may be multiple locations within a school building;
- the maximum length of any period of seclusion;
- the number of times during a single day that the person at risk may be placed in seclusion;
- the frequency of monitoring required for the person at risk while in seclusion; and
- other relevant matters agreed to by the PPT, taking into consideration the age, disability and behaviors of the child that might subject the child to the use of seclusion.



## What is an FBA?

Before the use of seclusion can be determined to be an appropriate behavior intervention, a current FBA must be conducted.



An FBA is a problem solving process of gathering and analyzing data in an effort to determine what function an exhibited and targeted behavior may be serving for a child. Typically, the behavior being reviewed is considered to be interfering with the student's learning. A comprehensive FBA process is the foundation on which a BIP is created.

# FBA BASICS: Determining the ‘why’ Behind a Student’s Behavior

10 common elements of most FBAs:

## 1. Student’s Identifying Information

2. **Target Behavior** (clearly defined) includes behavior(s) that the PPT has identified to reduce or extinguish. Include info re the setting, frequency, intensity and duration.

3. **Antecedent(s)** includes preceding events, conditions or perceived causes/’triggers’ of the target behavior.

4. **Concurrent Event(s)** includes events or conditions that existed simultaneously with the execution of the target behavior.

5. **Consequence(s)** includes resultant events or conditions of the target behavior.

6. **Observation(s)** includes antecedent, behavior and consequence (ABC) method of recording can be used and discussed in the observation.

7. **Interview(s) include** questions designed to collect behavioral data from several points of view and in more than one setting (i.e., parent interviews, student interviews and teacher/administrator interviews).



# FBA BASICS: Determining the ‘why’ Behind a Student’s Behavior

(continued)

8. **Student Records** include a review of relevant data from varied sources. Common sources of data collected are records of attendance, discipline, academic performance, prior assessments and health.
  
9. **Influencing Factors** include a review of factors, which have the potential to impact the student’s behavior such as physiological, environmental, psychological/emotional factors, factors related to family, friends or significant others, factors related to curricula, factors related to instruction and a response to prior events.
  
10. **Hypothesis/Function of Behavior(s)** includes a synthesis of data gathered to offer a hypothesis regarding what function the target behavior(s) serves for the student. This is essentially looking at the ‘why’ or root cause of a behavior.



## What is a BIP?



A BIP considers the data gathered through an individual's FBA and employs that data to create a plan of action toward changing and improving that individual's behavior. The BIP is documented as a means to address interfering behaviors on page 10 (Special Factors) of the IEP and is attached for reference.



# BIP

Nine common elements of most BIPs:

## 1. Student's Identifying Information

2. **Target Behavior(s)/Goal(s)** includes behavior(s) for which the BIP is targeted to change and improve.

3. **Function of Behavior** describes the hypothesis regarding the function of target behavior and the purpose it serves for the student.

4. **Desired Replacement Behavior(s)** includes more acceptable behavior(s) planned to replace the target behavior(s) through the BIP.

5. **Intervention Strategies** includes specific interventions and strategies to be implemented in addressing the target behavior(s)/goal(s) and must include :

- **antecedent strategies** to prevent the problem behavior (including modifications to the triggering antecedent and prompts for appropriate behaviors);
- **instructional strategies** (to teach the replacement behavior and shape toward desired behavior); and
- **consequence strategies** (to increase function-based reinforcement for the replacement behavior, increase other reinforcement for the desired behavior and prevent reinforcement of the problem behavior).



# **BIP**

(continued)

6. **Environmental Changes** include any changes to the setting or environment necessary to effectively implement the strategies and interventions.
7. **Person(s) Responsible** includes information regarding the individuals designated to implement intervention strategies and/or designated for oversight of specific portions of the BIP.
8. **Timelines/Review Dates** include segments of time during which specific portions of the BIP are to be addressed, as well as specific dates by which specific portions of the BIP are to be reviewed and revised if necessary, based on student progress.
9. **Monitoring Progress/Evaluation Methods** include a description of how progress toward achieving desired outcomes will be monitored and evaluated.



## Where can seclusion take place?

Seclusion is not a “**place.**” **Seclusion is the act of confining a student** in a room, whether alone or with staff supervision, in a manner that prevents he/she from leaving.

Although an area or room can be assigned for the purpose of seclusion, a seclusion can be conducted in a classroom, hallway, office, etc., recognizing the defining criteria as the fact that the student is not allowed to leave the room, space or area.



## Rooms Used for Seclusion

Rooms used for seclusion must:

- be of a size that is appropriate to the chronological and developmental age, size and behavior of the student at risk;
- have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located;
- be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located;
- be free of any object that poses a danger to the student at risk who is being placed in the room;
- 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 Office of the State Fire Marshal must be secured prior to the installation of a locking mechanism. If a door locking mechanism is used, the student at risk must be constantly monitored notwithstanding any other provisions of the Connecticut General Statutes (CGS) or the Regulations of Connecticut State Agencies to the contrary. The locking mechanism to be used must be a device that will 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.



## Rooms Used for Seclusion

(continued)

- have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant in such room; and
- be equipped with a window or other fixture allowing such student a clear line of sight beyond the area of seclusion (new).

**Note:** The requirement for an unbreakable observation window allowing for clear line of sight beyond the area of seclusion does not apply if it is necessary to clear and use a classroom or other room or space in the school building as a seclusion room for a person at risk.



# Other Requirements Related to the use of Restraint and Seclusion

## Parental Notification of the Laws Relating to the use of Restraint and Seclusion in the Public Schools

(revised August 2015)

Each local or regional board of education must notify a parent or guardian of a student who is placed in physical restraint or seclusion **not later than twenty-four hours** after the student was placed in physical restraint or seclusion and must make a reasonable effort to provide such notification immediately after such physical restraint or seclusion is initiated. Such notification must be made by phone, e-mail or other method, which may include but is not limited to, sending a note home with the child.

The parent of such child, regardless of whether he or she received such notification, **must be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion.**



# Other Requirements Related to the use of Restraint and Seclusion

## Time Needed for Restraint or Seclusion

The period of time for restraint or seclusion (new):

- shall be limited to that time necessary to allow the person at risk to compose him or herself and return to the educational environment; and
- if any instance of physical restraint or seclusion of a student otherwise permissible under subsection (b) or (d) of this section exceeds fifteen minutes:
  - (1) **an administrator**, as defined in the CGS Section 10-144e **or such administrator's designee**, (2) **a school health or mental health personnel**, as defined in the CGS subsection (a) Section 10-212b **or** (3) **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 must make a new determination every 30 minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others (new).



# Other Requirements Related to the use of Restraint and Seclusion

## Who may utilize restraint and seclusion?

**A student may be physically restrained or removed to seclusion only by a school employee who has received training in physical management, physical restraint and seclusion procedures.**

Such training must include but not be limited to:

- verbal defusing or de-escalation;
- prevention strategies;
- types of physical restraint;
- the differences between life-threatening physical restraint and other varying levels of physical restraint;
- the differences between permissible physical restraint and pain compliance techniques;
- monitoring to prevent harm to a person physically restrained or in seclusion; and
- recording and reporting procedures on the use of restraints and seclusion.



# Other Requirements Related to the use of Restraint and Seclusion

## Required Professional Development Plan and Trainings

PA 15-141 requires districts to create trainings and a professional development plan for **school professionals, paraprofessionals and administrators.**

On or after July 1, 2015, and annually thereafter, the CSDE will make available an overview of the requirements regarding the use of restraint and seclusion to be provided by each district to all school professionals, paraprofessional staff members and administrators.

Beginning July 1, 2015, each board of education must create a plan to be implemented on or before July 1, 2017, to provide school professionals, paraprofessional staff members and administrators with training in the prevention of incidents requiring restraint and seclusion and the proper means of physically restraining or secluding students.

By July 1, 2019, all school professionals, paraprofessional staff members and administrators must be trained in the prevention of incidents requiring restraint and seclusion and the proper means of physically restraining or secluding students.



# Other Requirements Related to the use of Restraint and Seclusion

When do you need to convene a **PPT meeting** for identified special education students or a **meeting** for general education students?

## General Education Students (K-12) (new)

When physical restraint or seclusion is used on a student four or more times within 20 school days, a **meeting** must be convened which includes:

- an administrator;
- one or more of such student's teachers;
- a parent or guardian of such student and if any, a mental health professional, (as defined in the CGS Section 10-76t), for the purpose of:
  - conducting or revising a behavioral assessment of the student;
  - creating or revising any applicable behavioral intervention plan; and
  - determining whether such student may require special education pursuant to the CGS Section 10-76ff.

**The school level data team should review the number of occurrences for the use of restraint or seclusion on an individual student on a monthly basis to ensure that the appropriate meeting has been convened following the fourth occurrence of restraint or seclusion in a 20-day period.**



## Other Requirements Related to the use of Restraint and Seclusion

When do you need to convene a **PPT meeting** for identified special education students or a **meeting** for general education students?

(continued)

When physical restraint or seclusion is used on a **student requiring special education or a student being evaluated for eligibility for special education (ages 3-21)** four or more times within 20 school days, a **PPT meeting** must be convened for the purpose of:

- conducting or revising a behavioral assessment of the student; **and**
- creating or revising any applicable BIP, including but not limited to such student's individualized education plan. (new)

**Note:** The school level data team or members of the PPT should review the number of occurrences for the use of restraint or seclusion on a monthly basis to ensure that the appropriate PPT meeting has been convened following the fourth occurrence of restraint or seclusion in a 20-day period. Where seclusion is included in the IEP, the PPT and the parents must determine a timeframe and manner of notification of each incident of seclusion.



# **Other Requirements Related to the use of Restraint and Seclusion**

## **Reporting Requirements for All Students General and Special Education**

Each local or regional board of education and each institution or facility operating under contract with a local or regional board of education must:

- record each instance of the use of physical restraint or seclusion on a student;
- specify whether the use of seclusion was in accordance with an IEP;
- specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
- include such information in an annual compilation on its use of such restraint and seclusion on students.



# Other Requirements Related to the use of Restraint and Seclusion

## State Reporting

PA 15-141, requires the CSDE to collect data from each local or regional board of education and each institution or facility operating under contract with a local or regional board of education.

The required data includes:

- all instances of the emergency use of restraint and seclusion;
- the status of the student (special education eligible or in the referral process or general education)
- the nature of the emergency that necessitated its use;
- all instances of the seclusion via an IEP; and
- all instances of physical injury as a result of restraint or seclusion including serious injuries (defined as requiring attention beyond basic first aid).



# Other Requirements Related to the use of Restraint and Seclusion

## Annual Compilation/Report

Each district's annual compilation is submitted to the CSDE through the restraint and seclusion online data submission. The purpose of this submission is to provide an annual summary report to the joint standing committees of the General Assembly for inclusion in the annual report card.

The Annual Report will provide a statewide snapshot summarizing:

- the frequency of use of physical restraint or seclusion on students;
- whether any student subjected to such restraint or seclusion was a special education student; and
- if any such student was a special education student, whether the use of such seclusion was **in accordance with an IEP** or whether the use of such seclusion was an emergency intervention to prevent immediate or imminent injury to the student or to others.

Such report must be submitted not later than January 15, 2017.



# Other Requirements Related to the use of Restraint and Seclusion

## Reports of Injury

Instances of “injury” (***serious and non-serious***) associated with the use of restraint or seclusion, must be reported to the CSDE within two business days via a **paper “report of injury,”** as well as via the online data submission. Reports of **serious Injuries** are, per statute, forwarded to the Office of Protection and Advocacy by the Bureau of Special Education.

**Serious Injury** is an injury that requires medical attention beyond that which would be included in the category of “routine first aid.” Examples of such medical attention include an emergency department visit, an emergency medical technician call, sutures, diagnostic x-rays to determine fractures, placement in casts, etc.

**Non-serious Injury** includes red marks, bruises or scrapes that require a Band-Aid or application of basic first aid.



# Other Requirements Related to the use of Restraint and Seclusion

## Reports of Injury (continued)

The written report must include:

- the **name** of the student;
- the student's **date of birth**;
- the student's **race**;
- the student's **disability**;
- the **date, time and location of the injury**;
- a **description and cause of the injury** (including the behavior displayed by the student which necessitated the seclusion or restraint);
- an indication **whether or not the student was in restraint at the time of the injury**, as well as the total **number of hours the student was in restraint within the previous 24 hours**; and
- any **other further actions**, including on-site first aid and medical intervention, or investigations taken by your facility must also be noted.



## Additional Resources

### Model Forms

Incident of Restraint

Incident of Seclusion

Model FBA

Model BIP

### Resources

Parent Notification of Laws Regarding Restraint and Seclusion (revised August 2015)

State Special Education Regulations Regarding Restraint and Seclusion

Policies Related to Restraint and Seclusion in Schools and Recommended Practices to Reduce the Use of Restraint and Seclusion in Schools

Special Education Data Collection: Restraint and Seclusion User Guide

(will need to add links when new docs are posted)

