

Students

Use of Physical Force

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

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; 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 time out.

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 from which the student is physically prevented from leaving. "Seclusion" does not include an exclusionary time out.

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 physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the restraint is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.
- B. School employees shall not use a life-threatening physical restraint on a student.
- C. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or 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.
- D. 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 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 needed.
- 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.

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.

- E. 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.
- F. In any instance where an otherwise permissible physical restraint or seclusion exceeds fifteen minutes an administrator, an administrator's designee, school health or mental health personnel, or a board certified behavioral analyst who has received appropriate training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent the 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.
- G. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:

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

- 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
 - 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
- H. 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.
- I. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received appropriate training on the proper means for performing such physical restraint or seclusion.
- J. 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.

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- K. 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.
- L. 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.
- M. 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.
- N. Any student who is physically restrained shall be continually monitored by a school employee. Any student who is involuntarily placed in seclusion shall be frequently monitored by a school employee. Each student so restrained or in seclusion 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 needed.

Conditions Pertaining to the Use of Exclusionary Time Outs

- A. Exclusionary time outs shall not be used as a form of student discipline.
- B. During any exclusionary time out at least one school employee shall 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.
- 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 such student's behavior.
- D. An exclusionary time out period must terminate as soon as possible.

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Conditions Pertaining to the Use of Exclusionary Time Outs (continued)

- E If a student receiving an exclusionary time out is a child requiring special education as defined in Conn. Gen. Stat. § 10-76a, or a child being evaluated for special education pursuant to Conn. Gen. Stat. § 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.

Required Training and Prevention Training Plan

Training shall be provided by the Board to the members of the crisis intervention team for each school in the district regarding physical restraint and seclusion of students. Such training shall be provided during the school year commencing July 1, 2017 and each 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 on an annual basis by the Department of Education, 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 shall be implemented not later than July 1, 2018.
3. The Board's physical restraint and seclusion plan shall provide training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
 - a. Various types of physical restraint and seclusion;
 - b. The differences between life-threatening physical restraint and other varying levels of physical restraint;
 - c. The differences between permissible physical restraint and pain compliance techniques; and
 - d. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion.

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Crisis Intervention Teams

At the commencement of each school year the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of any teacher, administrator, school paraprofessional or other school employee designated by the school principal who has direct contact with students.

Such 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 to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis.

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

Dissemination of Policy

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. 4148/4248 - Employee Protection)

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

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.

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.

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Legal Reference: Connecticut General Statutes (continued)

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.

Public Act 18-51 An Act Implementing the Recommendations of the Department of Education

State Board of Education Regulations Sections 10-76b-5 through 10-76b-11

Policy adopted: February 9, 2016
Policy revised: February 27, 2018
Policy revised: September 18, 2018

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut