

HAMDEN BOARD OF EDUCATION

5144.1

Physical Restraints/Seclusion

It is the policy of the Hamden Board of Education that no school employee shall use a physical restraint on a student or place a student in seclusion, unless such restraint or seclusion is used as an emergency intervention to prevent immediate or imminent injury to the student or to others and that such restraint or seclusion is not used for discipline or convenience or as a substitute for a less restrictive alternatives, and such use conforms with Connecticut state law and regulations.

No school employee shall use a physical restraint on a student or place a student in seclusion unless such school employee has received training on the proper means for performing such physical restraint or seclusion pursuant to state statute. Any student that is physically restrained or is placed in seclusion will be monitored by an appropriate staff member as required by state law and regulations.

In addition, no school employee shall use a life-threatening physical restraint, as defined by state law, on a student.

A "school employee," for the purposes of this policy, means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in the district schools, or 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 schools pursuant to a contract with the Board.

Each act of physical restraint or seclusion will be documented in the student's educational record. The information included in the documentation of the use of physical restraint or seclusion in the student's record will be recorded in compliance with state law and will include 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 emergency was likely to arise. The documentation will also include a detailed description of the nature of the restraint or the seclusion, its duration, and its effect on the student's established educational plan.

The Board shall notify the parent or guardian of each incident in which a student is placed in seclusion or is physically restrained. Parental notice will be provided in accordance with Connecticut state law and regulations, and the Board shall make reasonable effort to provide notification immediately after such physical restraint or seclusion is initiated. It is the Board's policy that in accordance with state law that such parental notification will be provided within twenty-four hours after the physical restraint or seclusion is used on the student.

The Board shall develop policies and regulations that establish the monitoring and the internal reporting of the use of physical restraint and seclusion of students and shall make such policies and procedures available on the Board's website and in the Board's

procedures manuals. The Board shall record each instance of the use of physical restraint or seclusion and the nature of the emergency that necessitated its use, and include such information in an annual compilation on its use of restraint and seclusion as required by state law and its correlating regulations.

The Board shall provide training to school professionals, paraprofessional staff members and administrators regarding physical restraint and the seclusion of students in accordance with state law.

The Board requires that each year, in accordance with state law, every school within the school district must identify a crisis intervention team. Each crisis intervention team shall consist of school professionals, paraprofessional staff members and administrators who have been trained in the use of physical restraint and seclusion in accordance with state law. Such teams will 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 the student or to others. Each member of the crisis intervention team must be recertified in the use of physical restraint and seclusion in accordance with state law.

The Board shall maintain a safe school setting in accordance with state law and nothing in this policy shall be construed to interfere with the Board of Education's responsibilities under Connecticut General Statutes §10-220 or to supersede the provisions of subdivision (g) of section 53a-18 of the Connecticut General Statutes concerning the use of reasonable physical force.

Legal References:	C.G.S. § 10-76b	(State supervision of special education programs and services)
	C.G.S. § 10-76d	(Duties and powers of the boards of education to provide special education programs and services)
	C.G.S. §10-220	(Duties of boards of education)
	C.G.S. § 53a-18	(Use of Reasonable physical force)
	Public Act No. 15-141	An Act Concerning Seclusion and Restraint in Schools

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HAMDEN BOARD OF EDUCATION

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PHYSICAL RESTRAINTS/SECLUSION (REGULATION)

It is the intent of the Hamden Board of Education to comply fully with all relevant laws and regulations pertaining to the use of seclusion and restraint of students. The following sets forth the regulations of the Hamden Board of Education with respect to the use of seclusion and restraint of students. Any school employee charged with implementation of these regulations must complete training in accordance with state law and must comply with these regulations at all times. Failure to comply with these regulations may result in disciplinary action up to and including termination of employment or contracts with the Hamden Board of Education.

I. Definitions

- (a) "Student": Means a child (A) enrolled in grades pre-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 pursuant to subsection (d) of section 10-76d of the general statutes, (C) enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a of the general statutes, 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 (i) Unified School District #2, established pursuant to section 17a-37 of the general statutes, or (ii) the Department of Mental Health and Addiction Services.
- (b) "School employee": Means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in the district schools, OR 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 schools pursuant to a contract with the Board.
- (c) "Life threatening physical restraint": Means any physical restraint or hold of a person that (A) restricts the flow of air into a person's lungs, whether by chest compression or other means or (B) immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- (d) "Physical restraint": Means 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 (A) briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including but not limited to supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; or (E) helmets, mitts, and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program (IEP), or

is prescribed or recommended by a medical professional, and is the least restrictive means available to prevent such self-injury.

- (e) "Seclusion": Means the involuntary confinement of a student in a room, whether alone or with supervision, in a manner that prevents the student from leaving.
- (f) "Psychopharmacological agent": Means any medication that affects the central nervous system, influencing thinking, emotion, or behavior.
- (g) "Monitored": Means (1) direct observation or (2) observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

II. Seclusion

No school employee shall place a student in seclusion except 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.

Only school employees who have been trained in accordance with state law and have received training on the proper means and techniques for placing a student in seclusion at a course of training approved by the Hamden Board of Education are permitted to place a student in seclusion.

(a) Crisis Intervention Team:

Each year, every school in the school district will identify a crisis intervention team consisting of school professionals, paraprofessional staff members and administrators who have been trained in accordance with state law in the use of seclusion. Each member of the crisis intervention team will be recertified on an annual basis in the use of seclusion in accordance with state law.

Such teams are required to respond to any incident in which the use of seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

(b) Monitoring:

Any student placed in seclusion must be frequently monitored by a school employee during the period of such student's seclusion in accordance with state law. In addition, the area in which the student is secluded must be equipped with a window or other fixture allowing such student a clear line of sight beyond the area of seclusion.

If any instance of seclusion of a student exceeds fifteen minutes, an administrator or such administrator's designee, a school health or mental health personnel or a board certified behavioral analyst, who has received training in the use of seclusion in accordance with state law, will determine whether continued seclusion is necessary to prevent immediate or imminent injury to the student or to others.

Upon such determination that continued use of seclusion is necessary to prevent immediate or imminent injury to others, such individual must make a new determination every thirty minutes thereafter regarding whether such seclusion is necessary to prevent immediate or imminent injury to the student or to others.

In addition, each student placed in seclusion must be regularly evaluated by a school employee for the indications of physical distress. Every time a school employee evaluates the student for signs of physical distress, such evaluation must be entered and documented in the student's educational file.

(c) Record of Seclusion:

School employees must record each instance of the use of seclusion on a student and document it in the student's educational record.

The documentation of the seclusion must include the nature of the emergency that necessitated the use of seclusion and what other steps were taken to prevent the emergency from arising, if there were any indications that such an emergency was likely to arise.

In addition, the documentation must include a detailed description of the nature of seclusion, the duration of such seclusion and the effect of seclusion on the student's established educational plan.

As discussed under the monitoring section of these regulations, each time a school employee evaluates a student placed in seclusion for signs of physical distress, such evaluation must be recorded for the student's educational record.

(d) Notification of Seclusion:

Each instance of seclusion shall be reported to the Director of Special Education and to the parent or legal guardian of the student within twenty-four (24) hours following the incident resulting in seclusion. Reasonable effort must be made by school employees to provide such notification to the parent or legal guardian **immediately** after such seclusion is initiated.

If the use of seclusion results in physical injury to the student, the Director of Special Education will immediately report such incident to the State Board of Education.

(e) Convening a PPT:

In the event that seclusion is used on a regular education student four or more times within twenty school days, a referral to special education will be made and a PPT will convene to review the referral, and to discuss the conducting or revising of a behavioral assessment of the student, creating or revising any applicable behavioral intervention plan, and determining whether such student may require special education. The PPT must be comprised of the mandatory participants in accordance with federal and state

law, and if any mental health professionals are working with the student, they should be invited to the PPT as well.

If a student requiring special education, or is in the process of being evaluated for eligibility for special education and awaiting a determination regarding eligibility, is placed in seclusion four or more times within twenty school days, a PPT will convene for the purpose of conducting or revising a behavioral assessment of the student, and creating or revising any applicable behavioral intervention plan, including but not limited to, such student's individualized education plan.

The following Procedures for Seclusion shall apply to the use of seclusion:

- (1) The crisis intervention team, consisting of designated school professionals, paraprofessional staff members and administrators, will be called to respond to any incident in which the use of seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.
- (2) The school nurse, if not a member of the crisis intervention team, will also be called to the site to monitor the physical condition of the student being placed in seclusion.
- (3) The use of seclusion will be applied in the least restrictive manner and will not be used for discipline or convenience or as a substitute for a less restrictive alternative. The use of seclusion will be applied for the least amount of time necessary.
- (4) The use of seclusion shall be terminated when the school employee determines that the student no longer poses a threat of immediate or imminent injury to him/herself and/or others.
- (5) The student who has been placed in seclusion shall be frequently monitored by a school employee, and shall be regularly evaluated for indications of physical distress. Line of sight supervision must be maintained at all times while the student is placed in seclusion. The school employee shall enter observations, recorded at intervals of no less than five (5) minutes, on (or to be transferred to) the appropriate district form, to be retained in the student's educational record. The record shall also include 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 the emergency was likely to arise, and a detailed description of the nature of the seclusion, its duration and effect on the student's established medical or behavioral support or education plan.
- (6) If any instance of seclusion of a student exceeds fifteen minutes, an administrator or such administrator's designee, a school health or mental health personnel or a board certified behavioral analyst, who has received training in the use of physical seclusion in accordance with state law, will determine whether continued seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon such determination that continued use

of seclusion is necessary to prevent immediate or imminent injury to others, such individual must make a new determination every thirty minutes thereafter regarding whether such seclusion is necessary to prevent immediate or imminent injury to the student or to others. This evaluation will be recorded on (or transferred to) the appropriate district form, to be retained in the student's educational record.

- (7) Each instance of seclusion shall be reported to the Director of Special Education and to the parent or legal guardian of the student within twenty-four (24) hours following the incident resulting in seclusion. Reasonable effort must be made by school employees to provide such notification to the parent or legal guardian immediately after such seclusion is initiated. The parent shall be sent a copy of the incident report no later than two business days after the incident. The incident report must include 1) 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 (2) a detailed description of the nature of the seclusion, its duration and its effect on the student's established educational plan. The District shall annually compile the instances of the use of seclusion, including the nature of the emergency.
- (8) Once the use of seclusion has been terminated, the student shall be examined by the school nurse or other qualified medical personnel for signs of any physical injury. If the use of seclusion results in physical injury to the student, such instance of physical injury must be reported to the State Department of Education.

III. Physical Restraint

No school employee shall 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.

Only school employees who have been trained in accordance with state law and have received training on the proper means and techniques for performing such physical restraint at a course of training approved by the Hamden Board of Education are permitted to use physical restraint.

No school employee shall use a life-threatening physical restraint on a student.

(a) Crisis Intervention Team:

Each year, every school in the school district will identify a crisis intervention team consisting of school professionals, paraprofessional staff members and administrators who have been trained in accordance with state law in the use of physical restraint. Each member of the crisis intervention team will be recertified on an annual basis in the use of physical restraint in accordance with state law.

Such teams are required to report any incident in which the use of physical restraint may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

(b) Monitoring of Physical Restraint:

Any student who is physically restrained must be continually monitored by a school employee.

If any instance of physical restraint of a student exceeds fifteen minutes, an administrator or such administrator's designee, a school health or mental health personnel or a board certified behavioral analyst, who has received training in the use of physical restraint in accordance with state law, will determine whether continued physical restraint is necessary to prevent immediate or imminent injury to the student or to others.

Upon such determination that continued use of physical restraint is necessary to prevent immediate or imminent injury to others, such individual must make a new determination every thirty minutes thereafter regarding whether such restraint is necessary to prevent immediate or imminent injury to the student or to others.

In addition, each student physically restrained must be regularly evaluated by a school employee for the indications of physical distress. Every time a school employee evaluates the student for signs of physical distress, such evaluation must be entered and documented in the student's educational file.

(c) Record of Physical Restraint:

School employees must record each instance of the use physical restraint on a student and document it in the student's educational record.

The documentation of the physical restraint must include the nature of the emergency that necessitated the use of the restraint and what other steps were taken to prevent the emergency from arising, if there were any indications that such an emergency was likely to arise.

In addition, the documentation must include a detailed description of the nature of restraint, the duration of such restraint and the effect of restraint on the student's established educational plan.

As discussed under the monitoring section of these procedures, each time a school employee evaluates a student who is physically restrained for signs of physical distress, such evaluation must be recorded for the student's educational record.

(d) Notification of Restraint:

Each instance of physical restraint shall be reported to the Director of Special Education and to the parent or legal guardian of the student within twenty-four (24) hours

following the incident resulting in physical restraint. Reasonable effort must be made by school employees to provide such notification to the parent or legal guardian **immediately** after such physical restraint is initiated.

If the use of physical restraint results in physical injury to the student, the Director of Special Education will immediately report such incident to the State Board of Education.

(e) Convening a PPT:

In the event that a regular education student is physically restrained four or more times within twenty school days, a referral to special education will be made and a PPT will convene to review the referral and to discuss the conducting or revising of a behavioral assessment of the student, creating or revising any applicable behavioral intervention plan, and determining whether such student may require special education. The PPT must be comprised of the mandatory participants in accordance with federal and state law. If there are any mental health professionals working with the student, they should also be invited to attend the PPT.

If a student requiring special education, or is in the process of being evaluated for eligibility for special education and awaiting a determination regarding eligibility, is physically restrained four or more times within twenty school days, a PPT will convene for the purpose of conducting or revising a behavioral assessment of the student, and creating or revising any applicable behavioral intervention plan, including but not limited to, such student's individualized education plan.

The following Procedures for Physical Restraint shall apply to the use of restraint:

- (1) The crisis intervention team, consisting of designated school professionals, paraprofessional staff members and administrators, will be called to respond to any incident in which the use of physical restraint may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.
- (2) The school nurse, if not a member of the crisis intervention team, will also be called to the site to monitor the physical condition of the student being restrained.
- (3) Physical restraint will be applied in the least restrictive manner appropriate to gain behavioral control of the student, using the least amount of force needed, and for the least amount of time necessary.
- (4) Physical restraint shall be terminated when the school employee determines that the student no longer poses a threat of immediate or imminent injury to him/herself and/or others.
- (5) The student who is being physically restrained shall be continuously monitored by a school employee, and shall be regularly evaluated for indications of physical distress. Line of sight supervision must be maintained at all times while the

student is being physically restrained. The school employee shall enter observations, recorded at intervals of no less than five (5) minutes, on (or transferred to) the appropriate district form, to be retained in the student's educational record. The record shall also include 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 the emergency was likely to arise, and a detailed description of the nature of the restraint, its duration and effect on the student's established education plan.

- (6) Each instance of physical restraint shall be reported to the Director of Special Education and to the parent or legal guardian of the student within twenty-four (24) hours following the incident resulting in physical restraint. Reasonable effort must be made by school employees to provide such notification to the parent or legal guardian immediately after such physical restraint is initiated. The parent shall be sent a copy of the incident report no later than two business days after the incident. The incident report must include 1) 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 (2) a detailed description of the nature of the restraint, its duration and its effect on the student's established educational plan. The District shall annually compile the instances of the use of restraint, including the nature of the emergency.
- (7) Once the physical restraint has been terminated, the student shall be examined by the school nurse or other qualified medical personnel for signs of any physical injury. If the use of physical restraint results in physical injury to the student, such instance of physical injury must be reported to the State Department of Education.

V. Use of Psychopharmacologic Agents

No school employee may use a psychopharmacologic agent on a student without the 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, or 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.

Only a school nurse is permitted to administer psychopharmacologic medication to students, and only in compliance with the prescription orders of a licensed physician. Records of all medication administration shall be maintained by the school nurse in accordance with the usual requirements for same.

VI. Parent Notification

Each instance of emergency use of physical restraint or seclusion to prevent immediate or imminent injury to the student or others must be reported to the parent or legal guardian of the student within twenty-four (24) hours following the incident. A school employee must take

reasonable efforts to inform the parent or legal guardian immediately after the use of physical restraint or seclusion. A school employee should place a telephone call to the parent or legal guardian of the student at the numbers provided on the emergency contact form for the student immediately after the use of restraint or seclusion. If the parent or guardian is not available, the information relating to the incident should not be left in a message, but a message should be left for the parent or guardian to call back as soon as possible to obtain further information. E-mail correspondence may be sent to the parent or guardian if a secure e-mail address has been provided to the school and such email correspondence shall state that the parent or legal guardian should contact the school as soon as possible. The school shall send a copy of the incident report to the parent no later than two (2) school days after the use of physical restraint or seclusion.

VII. Retention of Records and Notification to the State Department of Education

As indicated above, detailed records shall be maintained of each instance of physical restraint or seclusion of a student and such records shall be maintained in the student's educational record for future reference. At such time as the State Department of Education provides a form for the use of school districts in collecting this information, such form shall be used for this purpose. Such reports shall be completed no later than the school day following the incident. Parents and legal guardians and eligible students are entitled to examine and/or obtain copies of such records upon request, in accordance with Board policies concerning retention and destruction of educational records.

Records of instances of physical restraint and seclusion for all students in the district shall be compiled in a format designated by the State Department of Education for future review and examination on an annual basis, should the State Department of Education choose to review such records.

In the event that any instance of seclusion or physical restraint results in physical injury to a student, such instance shall be reported to the State Department of Education. Staff should be aware that the State Department of Education will report any instance of serious physical injury or death resulting from physical restraint or seclusion to the Office of Protection and Advocacy for Persons with Disabilities and to the Office of the Child Advocate.

Legal References:

Conn. Gen. Stat. § 46a-150, § 46a-151, § 46a-152, § 46a-153, § 46a-154
Conn. Gen. Stat. § 10-76b, § 10-76d
Conn. Gen. Stat. § 10-233a, § 10-233b
Public Act 15-141