

**Section: Students**

**Subject: Seclusion, Restraint and Exclusionary Time Out**

**P-5144.1**

**Board Policy  
Milford Public Schools  
Milford, CT**

## **Students**

### **Seclusion, Restraint and Exclusionary Time Out**

The Milford 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 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**

**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.

**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. The use of prone restraint is prohibited.

**Seclusion** means the involuntary confinement of a person in a room, from which the student is physically prevented from leaving. Seclusion does not include an exclusionary time out. Seclusion does not mean any confinement of a student where the student is physically able to leave the area of confinement including in school suspension and time-out.

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

**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 a student or deescalating

such student's behavior.

**School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, behaviorist, school paraprofessional, or coach employed by the Board 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.

**Student** means a child (A) enrolled in grades pre-k to age 21, 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.

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

- A. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received certification on the proper means for performing such physical restraint or seclusion.
- B. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- C. 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.
- 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.
  - 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.

- E. No psychopharmacologic agent will be administered to a student in the absence of applicable medication orders from the student's physician, in accordance with the medication administration policy 5141.21.
- F. 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.
- G. 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.
- H. The Board or its designee, 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 the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
  - c. Include such information in an annual compilation on its use of such restraint and seclusion on students.
- I. The Board or its designee and institutions or facilities operating under contract with the Board will provide special education for children, including any approved private special education program, shall provide such annual compilation to the Connecticut State 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 Connecticut State Board of Education.

### **Conditions Pertaining to the Use of Exclusionary Time Out**

- A. Exclusionary Time outs are not to be used as a form of discipline.
- B. At least one school employee must 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 is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior.
- D. The exclusionary time-out period terminates as soon as possible.
- E. If the student is a child requiring special education, as defined in Section 10-76a or a child being evaluated for special education, pursuant to section 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 (PPT) 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 school professionals, paraprofessional staff members and administrators regarding physical restraint and seclusion of students. Such training shall include, but not be limited to:

- A. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students. *(Such overview is to be provided by the Department of Education on or after July 1, 2015, and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.)*
- B. The creation of a plan to be implemented not later than July 1, 2017 by which the Superintendent or his or her designee will provide school professionals, paraprofessional staff members and administrators with training and professional development regarding the prevention of incidents requiring physical restraint or seclusion of students.
- C. The creation of a plan, to be implemented not later than July 1, 2017, requiring the training

of appropriate school professionals, paraprofessional staff members and administrators regarding the proper means of physically restraining or secluding a student, shall include, but not be 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;
- 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; and
- g. Recording and reporting procedures on the use of physical restraint and seclusion.

### **Crisis Intervention Teams**

Annually, the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of school professionals, paraprofessional staff members and administrators certified in the use of physical restraint and seclusion.

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.

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.

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.

Board of Education Approved:  
Policy Revision Approved:

June 26, 1990  
February 11, 2019