

ADMINISTRATIVE REGULATIONS CONCERNING  
RESTRAINT AND SECLUSION OF PERSONS AT RISK

The Norwich Board of Education seeks to foster a safe and positive learning environment for all students. In compliance with law, Norwich Board of Education employees will avoid the use of physical restraint or seclusion of students. However, physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual.

The following sets forth the procedures for compliance with the relevant Connecticut General Statutes and Regulations concerning the physical restraint and seclusion of persons at risk in the Norwich Public Schools. The Norwich Board of Education mandates compliance with this regulation at all times. Violations of this regulation by a Norwich Board of Education staff member or other individual working at the direction of, or under the supervision of, the Norwich Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220, or to supersede the justifiable use of reasonable physical force permitted under Connecticut General Statutes § 53a-18(6).

I. Definitions:

Provider: A person who provides direct care, education or supervision of a person at risk.

Assistant Provider or Assistant: A person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider.

Person at Risk: A child who meets the eligibility criteria for special education services under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* ("IDEA"), and who is receiving special education from the Board of Education, or a child who is being evaluated for eligibility for special education pursuant to statute and awaiting a determination.

Life Threatening Physical Restraint: 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.

Physical Restraint: 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 an Individualized Education Program ("IEP").

Seclusion: The confinement of a person in a room, whether alone or with supervision by a provider or assistant, in a manner that prevents the person from leaving that room. Seclusion **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.

Behavior Intervention: Supports and other strategies developed by the planning and placement team ("PPT") to address the behavior of a person at risk that impedes the learning of the person at risk or the learning of others.

Licensed Health Care Provider: (1) A legally qualified practitioner of medicine; (2) an advanced practice registered nurse; (3) a registered nurse licensed pursuant to Chapter 378 of the Connecticut General Statutes; or (4) a physician assistant licensed pursuant to Chapter 370 of the Connecticut General Statutes.

## II. Procedures for Physical Restraint of Persons at Risk

- A. Life-Threatening Physical Restraint: No provider or assistant shall under any circumstance use a life-threatening physical restraint on a person at risk.
- B. No provider or assistant shall use involuntary physical restraint on a person at risk EXCEPT as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others.
- C. Physical restraint of a person at risk shall never be used as a disciplinary measure or as a convenience.
- D. Providers and assistants must explore all less restrictive alternatives prior to using physical restraint for a person at risk.
- E. Providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint with a person at risk.

F. Monitoring

1. A provider or an assistant must continually monitor any person at risk who is physically restrained. The monitoring must be conducted by direct observation of the person at risk.
2. A provider or an assistant must regularly evaluate the person being restrained for signs of physical distress. The provider or assistant must record each evaluation in the educational record of the person being restrained.

III. Procedures for Seclusion of Persons at Risk

A. No provider or assistant shall use involuntary seclusion on a person at risk EXCEPT as follows:

1. as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others; OR
2. as specifically provided for in the IEP of the person at risk, if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the person at risk have been implemented but were ineffective.

B. Seclusion as a Behavior Intervention in an IEP

1. Prior to including seclusion in the IEP of a person at risk, the PPT must review the results of a functional behavioral assessment and other information determined to be relevant by the PPT. If, based on this information, the PPT determines that the use of seclusion is an appropriate behavior intervention for the person at risk, the PPT shall include the assessment data and other relevant information in the IEP of the person at risk as the basis upon which a decision was made to include the use of seclusion as a behavior intervention. The use of seclusion in the IEP must be reviewed at least annually by the PPT. The PPT must include the following information in the IEP of the person at risk:
  - a. the location of seclusion for the person at risk, which may be multiple locations within a school building;
  - b. the maximum length of any period of seclusion, in accordance with Section III(D) of this regulation;
  - c. the number of times during a single day that the person at risk may be placed in seclusion;

- d. the frequency of monitoring required for the person at risk while in seclusion;
  - e. the timeframe and manner of notification of each incident of seclusion, as determined by the PPT and the parents of the person at risk; and
  - f. any other relevant information agreed-to by the PPT taking into consideration the age, disability and behaviors of the person at risk that might subject the person at risk to the use of seclusion.
2. Prior to including seclusion in an IEP of a person at risk, the PPT must inquire as to whether there are any known medical or psychological conditions that would be directly and adversely impacted by the use of seclusion as a behavior intervention. A person at risk may not be placed in seclusion if such person is known to have any medical or psychological condition that a licensed health care provider has indicated will be directly and adversely impacted by the use of seclusion. The PPT may request a medical or psychological evaluation of the child for purposes of determining whether there is a medical or psychological condition that will be directly and adversely impacted by the use of seclusion as a behavior intervention. Any written statement from a licensed health care professional in this regard shall be included in the special education file of the person at risk.
- C. Seclusion of a person at risk shall never be used as a disciplinary measure or as a convenience.
- D. Any period of seclusion (1) 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 (2) shall not exceed one hour. The use of seclusion may be continued with written authorization from the building principal or designee to prevent immediate or imminent injury to the person at risk or to others. Where transportation of the person at risk is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the person at risk or to others is a concern.
- E. Providers and assistants must explore all less restrictive alternatives prior to using seclusion for a person at risk, unless seclusion is being used pursuant to the IEP of the person at risk.
- F. When the use of seclusion as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others

is repeated more than two times in any marking period, the PPT (1) shall convene to review the IEP of the person at risk, (2) may consider additional evaluations or assessments to address the child's behaviors, and (3) may revise the child's IEP, as appropriate. The PPT may agree to waive this meeting.

G. Any room used for seclusion must:

1. be of a size that is appropriate to the chronological and developmental age, size and behavior of the person at risk;
2. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
3. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
4. be free of any object that poses a danger to the person at risk who is being placed in the seclusion room;
5. 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 State Fire Marshal's office shall be secured prior to the installation of a locking mechanism. If a door locking mechanism is used, the person at risk shall be constantly monitored notwithstanding any other provisions of the Connecticut General Statutes or Regulations to the contrary. The locking mechanism to be used shall be a device that shall 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. An "emergency," for purposes of this subsection, includes but is not limited to the following:

- a. the need to provide direct and immediate medical attention to the person at risk;
- b. fire;
- c. the need to remove the person at risk to a safe location during a building lockdown; or

- d. other critical situations that may require immediate removal of the person at risk from seclusion to a safe location; and
  - 6. 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. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a person at risk.
- H. Providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for a person at risk.
- I. Monitoring
  - 1. If seclusion is included in the IEP of the person at risk, the IEP must describe the frequency of monitoring of the person at risk while in seclusion. The monitoring must be conducted by direct observation of the person at risk.
  - 2. If a person at risk has been secluded as an emergency intervention to prevent immediate or imminent injury to the person at risk or others, a provider or an assistant must frequently monitor the person at risk. The monitoring must be conducted by direct observation of the person at risk.
  - 3. A provider or an assistant must regularly evaluate the person at risk in seclusion for signs of physical distress. The provider or assistant must record each evaluation in the educational record of the person who is in seclusion.

#### IV. Training of Providers and Assistant Providers

- A. The Board of Education shall provide physical management training for all Board of Education employees who engage in the physical restraint and seclusion of persons at risk pursuant to this regulation. Prior to engaging in physical restraint and/or seclusion practices pursuant to this regulation, Board of Education employees must successfully complete the Board of Education's physical management training program.
- B. The Board shall provide training in physical management, physical restraint and seclusion procedures including, but not limited to, training to recognize health and safety issues for children placed in seclusion to ensure the safe use of seclusion as a behavior intervention.

- C. The Board shall also provide training in verbal defusing or deescalation; 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.
- V. Documentation and Communication
- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a provider must complete the form provided by the Norwich Public Schools for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the person at risk who was physically restrained or secluded. The information documented on the form must include the following:
    - 1. in the case of an emergency use, 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;
    - 2. a detailed description of the nature of the restraint or seclusion;
    - 3. the duration of the restraint or seclusion;
    - 4. the effect of the restraint or seclusion on the person's established behavioral support or educational plan; AND
    - 5. whether the seclusion of a person at risk was conducted pursuant to an IEP.
  - B. A provider must notify the parent or guardian of a person at risk of each incident that the person at risk is physically restrained or placed in seclusion.
    - 1. An attempt shall be made to notify the parent or guardian of the person at risk on the day of, or within twenty-four (24) hours after, physical restraint or seclusion is used with the person at risk as an emergency intervention to prevent immediate or imminent injury to the person or others.
    - 2. Notification may be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the person at risk.

3. The parent or guardian of a person at risk who has been physically restrained or placed in seclusion shall be sent a copy of the completed standardized incident report of such action no later than two (2) business days after the emergency use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
  4. Where seclusion has been included in the IEP of a person at risk, notification shall be made in accordance with Section III(B)(1)(e) above.
- C. The Director of Student Services & Special Education , or his or her designee, must, at each initial PPT meeting for a child, inform the child's parent, guardian, or surrogate parent, or the pupil if such pupil is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.
1. The Director of Student Services & Special Education, or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the pupil if such pupil is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the child's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
  2. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the child's parent, guardian, or surrogate parent, or the pupil if such pupil is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the child's IEP.
- E. The Director of Student Services & Special Education , or his or her designee, must be notified of the following:
1. each use of physical restraint or seclusion on a person at risk;
  2. the nature of the emergency that necessitated its use;
  3. whether the seclusion of a person at risk was conducted pursuant to an IEP; AND

3. if the physical restraint or seclusion resulted in physical injury to the person at risk.

VI. Responsibilities of the Director of Student Services & Special Education

- A. The Director of Student Services & Special Education, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion and whether instances of seclusion were conduct pursuant to IEPs.
- B. The Director of Student Services & Special Education, or his or her designee, must report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the person at risk.

Legal References:

Conn. Gen. Stat. §§ 46a-150 through 46a-154

Conn. Gen. Stat. § 10-76b

Conn. Gen. Stat. § 10-76d

Conn. Gen. Stat. § 53a-18

Regs. Conn. State Agencies §§ 10-76b-5 through 10-76b11, as amended July 1, 2013

Other Reference:

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

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