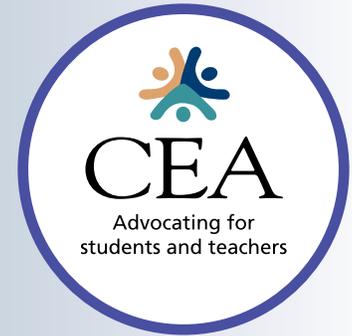


# FREQUENTLY ASKED QUESTIONS CONCERNING CONNECTICUT'S UPDATED RESTRAINT AND SECLUSION LAW

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As predicted, significant changes made by the legislature to the state's restraint and seclusion law in 2015 were costly and confusing. CEA worked closely with legislators in 2017 to reduce the number of personnel who have to be trained in restraint and seclusion, and the law was again modified during the 2018 legislative session. Below are some questions and answers intended to clarify all of the key changes passed in 2017 and 2018.

**Q: Does the 2017 law reduce the number of staff who must be trained in restraint and seclusion?**

**A:** Yes, the law now requires that only members of each school's crisis intervention team receive training in the proper means of restraint and seclusion. This training must be provided during the school year commencing July 1, 2017, and annually thereafter. Under the old law (Public Act 15-141), districts were required to train all school professionals, including educators, paraprofessionals, and administrators (although the training could have been phased in over a three-year period). The new law also states that the district may (but is not required to) provide training to any other teacher, administrator, paraprofessional, or other school employee.

The law delays the deadline for boards of education to create a plan for providing training regarding the prevention of incidents requiring physical restraint or seclusion of students from July 1, 2017, to July 1, 2018.

**Q: Does the 2017 law define who can be a member of the crisis intervention team?**

**A:** Yes, the new law defines a crisis intervention team as consisting of any teacher, administrator, school paraprofessional, or other school

employee who has direct contact with students and is designated by the principal to receive training. And consistent with the previous law, every school still is required to have a crisis intervention team, and each district is now required to maintain a list of the members of the crisis intervention team for each school.

**Q: What is the role of the crisis intervention team?**

**A:** Crisis intervention teams are expected to 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 harm to a student or to others (including staff). Moreover, the team must be trained in not just the relevant laws and regulations regarding restraints and seclusion but also (1) de-escalation strategies and how to prevent the use of restraint and seclusion and (2) the proper means of physically restraining or secluding a student. The training must be updated annually.

**Q: If I receive the mandated training, am I then required to perform a physical restraint?**

**A:** No, the 2017 law made no changes relative to this issue. Nothing in either law requires that a school employee perform a restraint once they have received training. If you receive training yet have concerns about actually performing a restraint, you should contact your local Association. However, the law clearly states that if you have not been trained, you cannot perform a restraint or place a student in seclusion.

**Q: Should I be concerned that any time I gently hold a student I am engaging in a restraint?**

**A:** No. The law clarifies that the term

“restraint” means any mechanical or physical restriction that immobilizes or reduces the free movement of person's arms legs, or head. The term does not include briefly holding a person in order to calm or comfort the person or a restraint involving the minimum contact necessary to safely escort a person from one area to another. However, legislation passed in 2018 clarifies that carrying or forcibly moving a person from one location to another does constitute a physical restraint.

**Q: Is it true that a restraint can never be performed on a special education student?**

**A:** No, but the law prohibits the use of a restraint as a “planned intervention” in an IEP. However, recognizing the need to ensure the safety of students and others in schools, the law does permit the use of a physical restraint as an emergency intervention to prevent immediate or imminent injury to the student or others, as long as the restraint is not used as discipline or as a substitute for a less restrictive alternative method.

**Q: Can seclusion be used as a planned intervention in a student's IEP, 504 plan, or behavior intervention plan?**

**A:** No, the 2018 legislation prohibits seclusion from being utilized as a planned intervention in a student's treatment or educational plan. Seclusion may only occur as an emergency intervention to prevent immediate or imminent injury to the student or others and may not be used for discipline or convenience.

**Q: What does the new term “exclusionary time out” mean?**

**A:** This term, adopted by the legislature in 2018, is defined as 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." It was intended to clarify that not every instance of separating a student from an ongoing activity constitutes an act of seclusion and to eliminate confusion among some school personnel as to whether the act of merely removing a student from an activity constituted a seclusion, which would trigger certain reporting requirements. The new law clarifies that it is not an act of seclusion but rather an opportunity to allow a staff member to engage with the student individually in an attempt to defuse potentially disruptive behavior. The legislation requires each local board of education to create an exclusionary time out policy and sets forth certain parameters as to how an exclusionary time out must be implemented. Specifically, the policy must include a requirement that:

- It is not used as a form of discipline
- At least one school employee must

remain with or be immediately available to the student so that they can communicate throughout the time out

- The space used must be clean, safe, and sanitary
- The time out period must terminate as soon as possible
- If the student is a special education student or being evaluated for eligibility and the interventions are unsuccessful, the student's planning and placement team must convene as soon as practicable

**Q: Is removing or evacuating my class to a safe location considered an act of seclusion?**

**A:** No, it should not be, because "seclusion" is defined as the confinement of a student in a room from which the student is prevented from leaving.

**Q: When is a PPT meeting required for students who have been restrained or secluded?**

**A:** When a physical restraint or seclusion has been used on a special education student (or one being evaluated

for special education eligibility) four or more times within 20 school days, a PPT meeting must be convened to conduct or revise a behavioral assessment and create or revise a behavior intervention plan, including the student's IEP.

For general education students, a meeting must be convened if the student has been restrained or secluded four or more times in 20 school days. This meeting must include an administrator, one or more of the student's teachers, a parent or guardian, and, if any, a mental health professional. During this meeting, a behavioral assessment must be conducted or revised, a BIP must be created or revised, and a determination must be made as to whether the child may require special education.

In both cases, the school's data team or the PPT should review the number of occurrences of restraint and seclusion on a monthly basis to ensure that the 20-day rule is followed.