

RESTRAINT AND SECLUSION IN SCHOOLS - WHAT PARENTS NEED TO KNOW



UConn
UCEDD

UNIVERSITY CENTER FOR EXCELLENCE
IN DEVELOPMENTAL DISABILITIES
UConnUCEDD.org

RESTRAINT: *"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. "Physical restraint" means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head.*

SECLUSION: *The confinement of a person in a room, whether alone or with staff supervision, in a manner that prevents the person from leaving.*

NEW RULES ABOUT RESTRAINT AND SECLUSION IN CONNECTICUT SCHOOLS

With the passage of Public Act 15-141 (SB 927) the Connecticut General Assembly has made major revisions to the State laws that govern the use of restraint and seclusion in schools.

Effective July 1, 2015:

- **Schools are no longer permitted to use seclusion as a planned “behavioral intervention”.** Connecticut law is now very clear: students cannot be subjected to either restraint or seclusion, “except as an emergency intervention to prevent immediate or imminent injury to the student or others, provided [the restraint or seclusion] is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.”
- **Statutory protections and accountability requirements have been extended to all students, not just special education students.**
- **The use of prone (face-down) restraint has been banned.**
- **If an episode of restraint or seclusion last longer than 15 minutes, professional or administrative review and approval is required.** Students who are secluded must be continuously monitored, and seclusion areas must be equipped with a window or other fixture allowing the student to see outside the seclusion area.
- **Repeated episodes of restraint or seclusion of a student must trigger behavioral assessments and planning meetings.** For special education students, the student’s Planning and Placement Team (PPT) will meet; for other students, a similar team comprised of instructional, mental health and administrative staff and parents/guardians will convene. The purpose of these meetings is to conduct or revise behavioral assessments and intervention plans, and to consider referrals for special education for those students who have not been previously identified as eligible. The new law requires these assessment and planning meetings whenever there are four or more incidents of restraint or seclusion within a period of 20 school days.

- **The State Department of Education’s (SDE) role expands.** In addition to continuing to collect and report on the frequency with which restraint and seclusion is used, SDE is to establish a pilot program to examine incidents of restraint and seclusion occurring in selected schools in order to better understand and respond to such incidents. SDE must also revise its regulations and provide training material related to statutory and regulatory requirements.
- **Timely parental notification is required.** One key feature of the law is a requirement that schools make reasonable efforts to notify parents/guardians immediately after restraint or seclusion has been initiated. If that is not possible, notification must occur no later than 24 hours after the incident.

WHAT CAN YOU DO?

If you are notified that your child was restrained or secluded in school, begin by getting some basic information. Here are some questions you can ask:

- **What happened?** Why was it necessary to use restraint or seclusion? Was anyone injured? Where and when did the incident occur? What else was going on prior to the incident?
- **What efforts were made to prevent or de-escalate the situation?** (State law requires that neither restraint or seclusion be used as a substitute for less restrictive alternatives, and that employees be trained in prevention techniques.)
- If the incident involved physical restraint, or a “hands on” escort to a seclusion room, **who was involved** in restraining or escorting your child (names and job titles) **and when and how have they been trained?** (Note: Although the law requires all school personnel who are involved in restraining and/or secluding a student to be trained, be aware that being trained in “proper” restraint techniques is not the same thing as being trained in how to prevent and de-escalate crisis situations.)
- **How long did the episode of restraint or seclusion last?** Was your child released as soon as there was no longer a risk of immediate or imminent injury? How was this determined? If the episode of restraint or seclusion lasted longer than 15 minutes, who made the determination that it needed to continue, and based on what evidence and criteria?
- **What happened after your child was released from restraint or seclusion?** Did anyone talk with your child after the incident, or otherwise attempt to understand why it happened, or what might work better in the future?
- **How frequently do incidents like this occur in the school?** Frequent use of restraint or seclusion may be an indication that the school needs to re-examine its practices and overall climate, and/or that it needs help developing programs for students with particular needs.

WHAT ELSE CAN YOU DO?

Before deciding on a specific course of action, it is always wise to discuss your child's situation with experienced advocates and/or trusted advisors. The resources list can be found on the back of this pamphlet.

If your child has been identified as eligible for special education, you can request a Planning and Placement Team (PPT) meeting to review the Individualized Education Plan (IEP), and any behavioral assessments or intervention plans that may exist. Although the new law requires such meetings if a student is restrained or secluded 4 times within a period of 20 school days, you do not need to wait until that threshold has been reached.

When you review the IEP, look for (or request that the IEP be revised to include):

- Goals and measurable objectives for learning particular behavioral skills. Often, “behavior problems” indicate that a child needs to learn (and be individually taught), the types of behavioral skills that other children of the same age typically learn without specific instruction. For example, “waiting your turn” is a developmental skill which may need to be intentionally and systematically taught. But, be careful of behavior programs that identify “target behaviors” but only use rewards and consequences in an attempt to increase or decrease those behaviors. Such programs often fail to teach the actual skills the student needs to learn in order to be successful. For more information, see <http://www.livesinthebalance.org/> (Website for Dr. Ross Green, author of “The Explosive Child”)
- Supports that have proven helpful to your child in other settings. You can suggest strategies that you find useful at home, or that you have observed in other settings - strategies that ease transitions, meet sensory needs or help your child to calm down or focus on tasks. However, be mindful of the potentially stigmatizing effects of approaches that segregate or mark your child as “different” from peers, or that cannot be practiced in ordinary, community environments. To the maximum extent possible, it is preferable to find solutions which do not draw negative attention and which prepare students to succeed in the “real world”.

- A Functional Behavioral Assessment (FBA). The goal of an FBA is to understand the “functions” being served by particular behaviors. In addition to considering observational “behavioral data”, FBAs should look holistically at a variety of environmental, communication, sensory and developmental factors, including personal history and prior attempts at intervention. They should also recommend strategies for learning and specific interventions. Be wary of evaluations labeled as FBAs that recommend the same approaches that have not helped in the past, or that attribute a student’s behavior simply in attempts to “escape” situations or “avoid” tasks.



- An individualized Behavior Intervention Plan (BIP). BIPs specify the steps that school staff are to follow to prevent melt-downs, teach appropriate skills, de-escalate situations, and help your child meet his or her needs without engaging in counter-productive behaviors. They should be tailored to the individual, using strategies that are known to help. They should not merely recite standardized scripts and protocols. **Note: Federal special education law requires that FBAs be conducted and BIPs developed for students whose behavior interferes with their learning or that of others, as determined by the PPT, and for those who are being subjected to disciplinary actions for violating school rules.**

WHAT CAN YOU DO IF YOUR CHILD’S BEHAVIOR REALLY DOES CREATE IMMINENT OR IMMEDIATE RISK OF INJURY?

No one would suggest that school staff stand by and watch while a student seriously injures himself, herself or other people. In fact, schools have a responsibility to protect all students and staff from such harm. However, restraining and/or “escorting” students to seclusion can also produce serious injuries, and the experience of being restrained or put into seclusion is traumatic and hurtful and generally counterproductive in the long run. When a student is being subjected to restraint and/or seclusion on a frequent basis, it is usually best to involve “outside” experts who can objectively and holistically review what is happening in the environment, what the behavior may be communicating, and, just as importantly, what types of interests and positive learning experiences can be encouraged in order to help the student move forward. Relying on restraint and/or seclusion to control difficult behavior is a “dead end” approach that limits future possibilities, inflicts psychological wounds and locks everyone involved into a counter-productive pattern of interactions.

WHAT IF YOU DISAGREE WITH THE SCHOOL’S ASSESSMENT OR PLANS?

If you feel that the FBA is inadequate, or if you disagree with the steps outlined in the BIP, or if you disagree with other decisions made by the PPT or school administrators, special education laws provide several options for independent review and appeal. These range from securing an independent evaluation, to pursuing mediation, to requesting a formal “due process” hearing. In some situations, you may also be able to file complaints with civil rights enforcement agencies or with the State Department of Education, or even initiate litigation in a court of law. However, before pursuing any of these options, you should consult with a knowledgeable advocate or attorney. Even if you are just unsure about whether the results of an evaluation are appropriate, or that the plans developed by the PPT are sound, you should consult with an experienced advocate or attorney. (See the resources list)

**The U.S. Department of Education Resource Document on
Restraint & Seclusion is available at:**

<https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

WHAT CAN YOU DO IF YOUR CHILD HAS NOT BEEN IDENTIFIED AS ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES?

If your child is not currently identified as a special education student but is experiencing behavioral or emotional difficulties at school, you can formally request that his or her eligibility for special education and related services be determined. A Planning and Placement Team (PPT) meeting will be held to identify the types of assessments needed to determine his or her eligibility. Even if it is ultimately determined that your child does not qualify for special education, he or she may still qualify for a “Section 504 Plan”, which can identify reasonable, individualized modifications to school policies and procedures.

IMPORTANCE

Restraint and seclusion are increasingly being recognized as traumatic, inappropriate and dangerous methods for controlling student behavior. Much more effective, evidence-based approaches have been developed, even for students who face significant behavioral challenges. In his introduction to a recently released resource document, U.S. Secretary of Education, Arne Duncan, explains it this way:

As many reports have documented, the use of restraint and seclusion can have very serious consequences, including, most tragically, death. Furthermore, there continues to be no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques. Schools must do everything possible to ensure all children can learn, develop, and participate in instructional programs that promote high levels of academic achievement. To accomplish this, schools must make every effort to structure safe environments and provide a behavioral framework, such as the use of positive behavior interventions and supports, that applies to all children, all staff, and all places in the school so that restraint and seclusion techniques are unnecessary.

RESOURCES

The Council of Parent Attorneys and Advocates (COPAA) - A great source of information about efforts to end schools' reliance on seclusion and restraint. <http://www.copaa.org/>

Connecticut Office of Protection and Advocacy for Persons with Disabilities - An independent state agency that provides information and referral services, short-term problem-solving and advocacy services, for people with disabilities, including children. <http://www.ct.gov/opapd/site/default.asp>

Connecticut Parent Advocacy Center - A statewide nonprofit organization that offers information and support to families of children with any disability or chronic illness, from birth through age 26. <http://www.cpacinc.org/>

African and Caribbean-American Parents of Children with Disabilities (AFCAMP) - educate, empower and engage parents and community to improve quality of life for children with special needs and others at risk of education inequity or system involvement. <https://www.facebook.com/AFCAMP-595707803796470/timeline/>

Autism Services & Resources Connecticut (ASRC). ASRC offers education and information to the public and the entire autism community on the complete range of interventions. <http://www.autismconnecticut.org/>

NAMI-CT - Sponsors support groups for adults, young people and parents through affiliated local chapters. <http://www.namict.org/>

The ARC of Connecticut - Pursues systems advocacy on behalf of people with intellectual disability and offers information and referrals for advocacy assistance. <http://www.thearcct.org/>

TASH - TASH advocates for human rights and inclusion for people with significant disabilities and support needs. <http://tash.org/>

The following reports also provide useful information:

“Seclusion and Restraint in Connecticut Schools; A Call to Action” from the Office of the Child Advocate, [http://www.ct.gov/oca/lib/oca/SECLUSION AND RESTRAINT IN CT SCHOOLS Final Report.pdf](http://www.ct.gov/oca/lib/oca/SECLUSION_AND_RESTRAINT_IN_CT_SCHOOLS_Final_Report.pdf)

“Annual Report on the Use of Physical Seclusion and Restraint in Connecticut; School Year 2013-2014”, State Department of Education; http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/restraint_and_seclusion_annual_report_2011_12.pdf

University of Connecticut

Center for Excellence in Developmental Disabilities Education, Research and Service

270 Farmington Avenue, Suite 181

Farmington, CT 06030-6222

Telephone: 860-679-1500 ~ Toll-Free: 866-623-1315

TTY: 860-679-1502 ~ Fax: 860-679-1571

www.uconnuedd.org