



CONNECTICUT STATE DEPARTMENT OF EDUCATION

Annual Back to School Meeting APSEP Directors

September 12, 2018

Changes to Legislation Governing the Use of Restraint and Seclusion in Schools

Public Act 18-51

Effective July 1, 2018, PA 18-51,

- revises definitions of restraint and seclusion;
- clarifies the definition of an escort;
- introduces a definition for exclusionary time out;
- prohibits the use of seclusion as a behavior intervention in the individualized education program (IEP); and
- requires that no later than January 1, 2019, districts/programs develop policy related to the use of exclusionary time out.



Physical Restraint **(NEW)**

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.**

The term **does not include:**

- 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; (i.e. temporarily touching or holding for the purpose of guiding or inducing a student to walk to another location: **(new clarification of an escort)**)**
- 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 and is the least restrictive means available to prevent such self-injury.



Seclusion (NEW)

The confinement of a person in a room, from which the student is physically prevented from leaving. “Seclusion” does not include an exclusionary time out.

The term 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.

Exclusionary Time Out (NEW)

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.



(New) Not later than January 1, 2019, each local or regional board of education shall establish a policy regarding the use of an “exclusionary time out”.

Such policy shall include, but need not be limited to, a requirement that:

- (1) exclusionary time outs are not to be used as a form of discipline,
- (2) at least one school employee 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,
- (3) 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,
- (4) the exclusionary time out period terminate as soon as possible, and
- (5) if such 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 shall convene as soon as is practicable to determine alternative interventions or strategies.



Exclusionary Time Out *(NEW)*

Time out is broadly defined as a set of procedures that can be used to reduce inappropriate student behavior as a result of the student being denied access to the opportunity to receive reinforcement for a fixed period of time.

Exclusionary Time Out

The most restrictive type of “time out”, as defined in statute as **exclusionary time out**, is characterized by **the removal of the student from all probable reinforcers by being placed in a different room where the student is under the constant supervision of a qualified staff or may be engaged in de-escalation exercises or restitution procedures with a staff member.**

In implementing this “exclusionary time out” strategy, the student **cannot be prevented from the leaving** the space, room or area.

If the student is NOT PERMITTED to leave the space by the adult, the procedure no longer meets the criteria of an “exclusionary time out”, **rather the incident becomes a “Seclusion” based on the legislated definition of seclusion and staff must follow the required documentation, notification and protocol procedures.**



Public Act 18-183

An Act Implementing The recommendations Of The Auditors of Public Accounts Concerning Private Providers of Special Education **(NEW)**

Effective July 1, 2018

- Any contract or agreement entered into with a private provider of special education **shall include** an explanation of how tuition or costs are to be calculated and **may include** additional detail such as progress reporting timelines and periodic site visits.

Effective July 1, 2019

- Each LEA must have a contract in place with the private provider of services in order to meet eligibility for reimbursement under 10-76 g (excess cost grant).
- **Contracts in the form of an IEP are no longer permitted for the purpose of determining eligibility for excess cost.**
- CSDE will affirm via a district attestation that districts have contracts in place with all private providers of special education services. An additional field will be added to the SEDAC-G file to indicate that an LEA has a “contract” in place.
- Private providers of special education services will be required to submit annual operating budgets to CSDE .



Reminders

Restraint and Seclusion

- If a restraint or seclusion exceeds 15 minutes, an administrator or administrative designee, school health or mental health personnel, or BCBA trained in the use of restraint and seclusion shall determine if continued restraint or seclusion is necessary to prevent immediate or imminent injury to the student or others, with a redetermination every 30 minutes thereafter.
- Emergency use of restraint and emergency use of seclusion are more appropriately documented in a district's/school's Policies and Procedures Handbook, where protocols for a response to a situation which poses risk of immediate or imminent injury to self or others can be articulated.
- The most recent revisions to the CT Special Education Regulations were adopted in July 2013, provide additional requirements related to the implementation of P.A.15-141 and remain in effect where they do not conflict with the intent of P.A. 15-141.



Reminders: Restraint and Seclusion

What is an EMERGENCY?

An “emergency” is a situation which poses risk of immediate or imminent injury to self or others which typically warrants an “unplanned response.”

Emergency Situations:

- physical aggression towards others (students or staff); and
- self injurious behavior.

Non-Emergency Situations:

- throwing objects (not directed)
- roaming/running around classroom
- leaving an area
- inappropriate verbalization/swearing
- tipping chairs
- refusals
- destruction of property (if it does not impose an immediate/imminent danger to others)



Reminders: Restraint and Seclusion

- Rooms used for seclusion must have an unbreakable observation window in the wall or door to allow frequent visual monitoring of the student. The window must allow the student to have a clear line of sight from inside the room beyond the area of seclusion. All other state regulations regarding the physical requirements for rooms used for seclusion remain in effect.
- When physical restraint or seclusion is used 4 or more times within 20 school days with a student eligible to receive special education or who is being evaluated, a PPT meeting must be convened to conduct or revise a behavior assessment, create or revise the BIP and the IEP.
- Rooms used for seclusion must have an unbreakable observation window in the wall or door to allow frequent visual monitoring of the student. The window must allow the student to have a clear line of sight from inside the room beyond the area of seclusion. All other state regulations regarding the physical requirements for rooms used for seclusion remain in effect.



Restraint and Seclusion Data Collection

- Maintain written reports of R/S
- 2 day timeline for data submission
- Written notification to parents and districts
- Continue to submit written reports of **ALL** injuries, serious **and** non serious
- **Report only injuries occurring “during” the act of restraint or seclusion vs. injuries sustained as a result of the behavior which triggered the restraint or seclusion.**
- When providing “injury details” online **identify injury vs. behavior**
- Do not submit staff injuries



Insert info from Sharon Fuller



Required Notifications to CSDE/BSE

- Changes in Administration
- Significant events (major legal proceedings/reports of abuse and neglect, etc.)
- 10% increase in enrollment (only allowed annually)
- Proposed location changes
- Certified staff data (EDS) (replaced the ED 163)
- Fire and Health (annual by October 15th)
- Annual Statement of Assurances (October 15th)



Program Change Requests are REQUIRED in the following situations:

Change in location

Change in age of students served

Change in disability categories served

Change in type of program

Increase in number of students served (above allowable 10% annually)

Program change requests typically require consultation.



IEP/PPT Reminders

- A representative of the program **MUST** participate in a **Placement PPT, initiated by the LEA**, prior to a student's admission to the program. If participating by phone, ensure that attendance is documented on page 1.
- **Teachers** must participate in all subsequent PPT's, unless the parent and the district consent to excusing the teacher, written input is submitted within a reasonable time prior to meeting to allow for discussion at the meeting.
- Technical Edits memo (when a PPT is/isn't required should correction be needed)
http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/technical_edits_and_the_iep_document_memo_0909014.pdf
- Parents and guardians have the additional right to have the school paraprofessional assigned to their child, if any, to be present at and participate in all portions of any planning and placement team meeting at which their child's educational program is being developed, reviewed or revised.
- Review IEPs carefully (ensure ability to implement IEP)



IEP/PPT Reminders

- Clearly articulate and document the type/setting in which specialized instruction and related services are being delivered.
- If “as needed” supports are available through your program model, identify that in accommodations and/or in Special Considerations section of the IEP.
- If a BIP is indicated on page 10 of IEP, ensure it is driven by a FBA and filed as part of current IEP.
- Diagnostic Placements require an IEP. The IEP must include diagnostic goals/objectives; no more than 40 days in duration, requires meeting at 2 week intervals and a PPT 5 days prior to conclusion.
- Course names, corresponding TCS Course Codes and grading should be discussed/determined during the initial Placement PPT and as needed in subsequent PPTs.



Reminders: General

- Statement of Assurances signed by executive director/chief administrator due October 15th.
- Review and ensure that the program's website is current and accurate, as the information contained on your website takes the place of the previously published Directory program descriptions.
- Background and Employment Checks for School Employees extends to nonpublic schools:
 - the criminal history and DCF registry background check requirements as well as the requirements that applicants identify previous criminal convictions and any pending charges (within 30 days).
- Maintain current administrator contact information with the Bureau. Contact Regina Gaunichaux at regina.gaunichaux@ct.gov; 860-713-6937.
- Implementation of approved Educator/Administrator Evaluation and Support Plans. Please contact Sharon Fuller in the Talent Office with questions related to the status of plans. Sharon.fuller@ct.gov; Phone: (860) 713-6814
- Questions regarding TCS submission should be addressed to Keryn G. Felder, Education Consultant; keryn.felder@ct.gov; Phone: (860) 713-6833
- Assessment questions: Janet Stuck, Janet.Stuck@ct.gov; Phone: (860) 713-6837
- Restraint and seclusion Data Submission; Data Manager: Laura Guerrero;
laura.Guerrera@ct.gov; Phone: 860-713-6922



Have a safe and successful year!

Colleen Hayles

Coordinator of APSEPs

Bureau of Special Education

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