



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



**TO:** Directors of Special Education  
Directors of Approved Private Special Education Programs  
Directors of Regional Educational Service Centers

**FROM:** Bryan Klimkiewicz, Bureau Chief of Special Education 

**DATE:** July 12, 2018

**SUBJECT:** Changes to Statutory Restraint and Seclusion Requirements Effective July 1, 2018

**Regarding Important Time Sensitive Information**

[Public Act \(PA\) 18-51](#), *An Act Implementing the Recommendations of the Department of Education*, Section 4, has revised the legislation governing the use of restraint and seclusion in schools. These changes will impact the guidance and training that districts are required to provide all staff relating to the use of restraint and seclusion and affects district reporting requirements. Effective July 1, 2018, [PA 18-51](#), revises the definitions of restraint and seclusion, clarifies the definition of an escort, and introduces a definition for exclusionary time out. The public act also 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.

[PA 18-51](#) provides the following revisions to the definition of restraint and the definition of seclusion and provides new definitions that clarify the difference between an escort and a physical restraint:

1. **"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.**

**The term does not include:**

- A. briefly holding a person in order to calm or comfort the child;
  - B. 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;
  - E. helmets, mitts, and similar devices used to prevent self-injury when the device is:
    - i. part of a documented treatment plan or individualized education program pursuant to Section 10-76d; or
    - ii. prescribed or recommended by a medical professional, as defined in section 38a-976, and is the least restrictive means available to prevent such self-injury; or
  - F. an exclusionary time out.
2. **"Seclusion"** means the involuntary confinement of a student in a room from which the student is physically prevented from leaving. **"Seclusion" does not include an exclusionary time out.**

PA 18-51 clearly prohibits the use of seclusion as a behavior intervention as part of a behavior intervention plan (BIP), an IEP, or a 504 Plan. Seclusion may only be used as an emergency intervention to prevent immediate or imminent injury to the student or to others.

The prohibition of the use of seclusion as a behavior intervention will require that a planning and placement team (PPT) review and revise any current IEP should that IEP identify the use of "seclusion" as a behavior intervention (within the existing BIP). If deemed appropriate, the use of exclusionary time out as an intervention may be considered for inclusion in the BIP.

3. **"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 student or deescalating such student's behavior (exclusionary time out becomes a reportable "seclusion" if or when the student is physically or otherwise prohibited from leaving the space).
4. **"Escort"** means the minimum contact necessary to safely escort a person from one area to another through temporary touching or holding for the purpose of guiding or inducing a student to walk to another location. **Carrying or forcibly moving a person from one location to another is a "physical restraint"**.

[PA 18-51](#) also requires that 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 PPT shall convene as soon as is practicable to determine alternative interventions or strategies.

[PA 18-51](#) also requires changes to reporting and state data submission requirements. Effective July 1, 2018, all incidents of seclusion will be reported as incidents of "Emergency Seclusion" and any escort in excess of temporary touching or holding for the purpose of guiding or inducing a student to walk to another location, will be reported as an emergency physical restraint.

Available updated resources for school districts include:

- [Guidance Related to Recent Legislation Regarding Restraint and Seclusion in Schools](#);
- [Incident Report of Seclusion](#);
- [Incident Report of Physical Restraint](#);
- [Parental Notification of the Laws Relating to the use of Seclusion and Restraint in Public Schools](#);
- [Understanding the Laws and Regulations Governing the use of Restraint and Seclusion in Schools](#); and
- [User Guide](#) (guidance related to timely and accurate data submission).

If you have any questions, please do not hesitate to contact Colleen Hayles, Education Consultant, Bureau of Special Education at 860-713-6922 or [colleen.hayles@ct.gov](mailto:colleen.hayles@ct.gov).