

BOARD OF EDUCATION  
FAIRFIELD PUBLIC SCHOOLS  
FAIRFIELD, CT

**Policy Committee Meeting**

**Tuesday, February 6, 2018**

5:00 PM

501 Kings Highway East  
Superintendent's Conference Room

**Agenda**

- I. Call to Order
- II. Approval of January 30, 2018 Minutes
- III. High school graduation requirements update
- IV. Discussion of 1311.1/1311.2 Political Activities of School Employees in School/On  
School Property
- V. Discussion of 5144.1 Seclusion and Restraint
- VI. Social Media Policy
- VII. Future Items
  - a. Booster Clubs
  - b. Corporate Sponsorship
  - c. High School Graduation Requirements
  - d. Board of Education Handbook
  - e. Student Discipline Policies - Expulsion
- VIII. Open Discussion/Public Comment
- IX. Adjournment

Future Meetings: February 27, 2018

BOARD OF EDUCATION  
FAIRFIELD PUBLIC SCHOOLS  
FAIRFIELD, CT

**Policy Committee Meeting**  
**Tuesday, January 30, 2018**  
5:00 PM  
501 Kings Highway East  
Superintendent's Conference Room

**Minutes**

Call to Order 5:02 PM

Approval of January 2, 2018 Minutes

- Approved 3-0

1311.1/1311.2 Political Activities of School Employees in School/On School Property

- Discussion of feedback from DTC chair and RTC chair
- Discussion of adding wording around political and/or partisan clubs and adding wording around union activities
- Will review clean copies at next meeting on 2/6/18 to consider for voting the policies to the BOE for review

5144.1 Seclusion and Restraint

- Review of changes to policy to reflect change in statute

5114 Student Discipline Policy – Expulsions

- Will review in the future; keep on the agenda as a future item

Discussion of Future Items

## Future Items

High School Graduation Requirement

Booster Clubs/Corporate Sponsorships

Board of Education Handbook

Social Media Policy

Open Discussion/Public Comment

Adjournment

- Vote to adjourn at 6:30 PM

## **Community Relations**

### **Political Activities of School Employees**

District employees shall be entitled to full rights of citizenship, and no political activities of any employee or the lack thereof shall be grounds for any discipline or discrimination with respect to the employment of such employee providing such activities do not interfere with the performance of the employee's duties or the District's business.

### **Performance of Civic Duties by Employees**

Employees should perform their civic duties commensurate with democratic ideals. These duties may include:

- A. Voting and taking an interest in current social, political, and economic issues.
- B. Exercising democratic rights and responsibilities shared with other citizens. These rights and privileges may include:
  - 1. Electioneering for candidates off school grounds, except on an election day.
  - 2. Accepting positions in political campaigns.
  - 3. Holding an office in a political party organization.
  - 4. Serving as a delegate to political party conventions

### **Individual Responsibility in Participating in Political Functions**

- A. Employees engaging in political activities shall not:
  - 1. Engage in political activities on school premises during school hours or at school events.
  - 2. Involve their school, school property, and/or students in personal political campaigns.
  - 3. Distribute literature within schools or on school buses, including but not limited to electronic mail, supporting one or more candidates, nor shall campaign posters be displayed at or within the schools. Campaign material shall be used solely for educational purposes.
  - 4. Poll their students to determine how their parents are voting on any issue, and shall not attempt to indoctrinate students with personal, political, or social philosophy. Any discussions during break time shall be confined to an area out of the hearing distance of students.
- B. Employee's attendance at, or participation at, political or union activities during work time shall not take place without prior written approval of the administration.

## **Political Materials and/or Engagement as Part of the Instructional Program**

- A. Teachers may use political materials as part of the instructional program and/or curriculum, provided the material is germane to the instructional objectives of the course. Any presentation of political materials, or issues, or expression of views, however, must be balanced and fair.
- B. Teachers shall be responsible for providing students with the opportunity to investigate various sides of the topics presented in their courses, particularly in relation to controversial subjects, within such limits as may be imposed by relevance to the course, the maturity level and intellectual ability of the students, and the time available.
- C. Teachers shall permit freedom of expression on those topics that are matters of opinion so that students may weigh alternative views and make up their own minds. Students shall be encouraged to examine, analyze, evaluate, and synthesize the information available to them before drawing conclusions in order to develop as fully as possible their capacity for rational judgment.
- D. Teachers shall strive to promote tolerance for the opinions of others and respect for the right of all individuals to hold and express differing opinions.
- E. A teacher may express his/her opinions in regard to political, social and religious values or issues provided that the total presentation is essentially balanced and fair. He/she shall not use professional interaction with students to further his/her own political aims or views or those of any other individual or group.

The following situations are exempt from the prohibitions of this policy:

- The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies, such as history, civics, current events, and political science.
- The conduct of student elections and campaigning connected therewith.
- The conduct of professional staff member representative elections.
- The conduct of student political clubs and their advisors during club meeting times.
- Union activity conducting union business.

Nothing in this policy shall be interpreted to impose a burden on the constitutionally protected speech of a staff member or student.

Problems concerning the political activity of an employee shall be reported to the Superintendent or designee who shall follow-up and take appropriate action.

Legal Reference:      Connecticut General Statutes  
                                 7-421 Political activities of classified municipal employees.  
                                 7-421b Limitation on restriction of political rights of municipal employees.  
                                 10-156e Employees of boards of education permitted to serve as elected  
                                 officials; exception.

## P1311.1(a)

### Community Relations

#### Political Activities of School Employees

District employees shall be entitled to full rights of citizenship, and no political activities of any employee or the lack thereof shall be grounds for any discipline or discrimination with respect to the employment of such employee providing such activities do not interfere with the performance of the employee's duties or the District's business.

#### Performance of Civic Duties by Employees

Employees should perform their civic duties commensurate with democratic ideals. These duties may include:

1. ~~A.~~ Voting and taking an interest in current social, political, and economic issues.
2. ~~B.~~ Exercising democratic rights and responsibilities shared with other citizens. These rights and privileges may include:
  - ~~A.1.~~ Electioneering for candidates off school grounds, except on an election day.
  - ~~B.2.~~ Accepting positions in political campaigns.
  - ~~C.3.~~ Holding an office in a political party organization.
  - ~~D.4.~~ Serving as a delegate to political party conventions

Formatted: Indent: Left: 0.25", No bullets or numbering

Formatted: Tab stops: 0", Left

Formatted: No bullets or numbering

#### Individual Responsibility in Participating in Political Functions

A. Employees engaging in political activities shall not:

1. Engage in political activities on school premises during school hours or at school events.
2. Involve their school, school property, and/or students in personal political campaigns.
3. ~~Solicit, receive, collect, handle, disburse or account for assessments, contributions or other political funds, organize, sell tickets to, promote a candidate, solicit votes in support of or opposition to a candidate, circulate petitions, display political pictures, badges, stickers or buttons on District property during assigned hours of employment.~~
- 4.3. Distribute literature within schools or on school buses, including but not limited to electronic mail, supporting one or more candidates, nor shall campaign posters be displayed at or within the schools. Campaign material shall be used solely for educational purposes.
- 5.4. Poll their students to determine how their parents are voting on any issue, and shall not attempt to indoctrinate students with personal, political, or social philosophy. Any discussions during break time shall be confined to an area out of the hearing distance of

students.

- B. Employee's attendance at, or participation at, political or union activities during work time shall not take place without prior written approval of the administration.

#### Political Materials and/or Engagement as Part of the Instructional Program

- A. Teachers may use political materials as part of the instructional program and/or curriculum, provided the material is germane to the instructional objectives of the course. Any presentation of political materials, or issues, or expression of views, however, must be balanced and fair.
- B. Teachers shall be responsible for providing students with the opportunity to investigate various sides of the topics presented in their courses, particularly in relation to controversial subjects, within such limits as may be imposed by relevance to the course, the maturity level and intellectual ability of the students, and the time available.
- C. Teachers shall permit freedom of expression on those topics that are matters of opinion so that students may weigh alternative views and make up their own minds. Students shall be encouraged to examine, analyze, evaluate, and synthesize the information available to them before drawing conclusions in order to develop as fully as possible their capacity for rational judgment.
- D. Teachers shall strive to promote tolerance for the opinions of others and respect for the right of all individuals to hold and express differing opinions.
- E. A teacher may express his/her opinions in regard to political, social and religious values or issues provided that the total presentation is essentially balanced and fair. He/she shall not use professional interaction with students to further his/her own political aims or views or those of any other individual or group.

The following situations are exempt from the prohibitions of this policy:

- The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies, such as history, civics, current events, and political science.
- The conduct of student elections and campaigning connected therewith.
- The conduct of professional staff member representative elections.
- The conduct of student political clubs and their advisors during club meeting times.
- Union activity conducting union business.

Formatted: List Paragraph, Line spacing: single, No bullets or numbering, Hyphenate, Tab stops: Not at -0.5" + 0"

Formatted: List Paragraph, Line spacing: single, No bullets or numbering, Hyphenate, Tab stops: Not at -0.5" + 0"

Nothing in this policy shall be interpreted to impose a burden on the constitutionally protected speech of a staff member or student.

Problems concerning the political activity of an employee shall be reported to the Superintendent or designee who shall follow-up and take appropriate action.

Legal Reference:

Connecticut General Statutes

7-421 Political activities of classified municipal employees.

7-421b Limitation on restriction of political rights of municipal employees.

10-156e Employees of boards of education permitted to serve as elected officials; exception.

## **Community Relations**

### **Political Activities in the Schools/On School Board Property**

#### **1. Political Candidates/Issues**

**Debate or Forum:** If a class or school-sponsored group plans a political debate or forum during the school day, the Principal/teacher/sponsor shall ensure that all candidates for the same public office or who have differing opinions on a political issue are given equal opportunity to participate.

**Appearances:** Elected politicians and political candidates are not allowed to appear at a school unless they are invited to visit or speak to a class or other school-related activity during school hours. However, they are entitled to the same rights of all citizens to visit the schools. The requirements for debates or forums are applicable and other candidates for the same public office should be invited to visit at the same time or be provided an equivalent opportunity.

Nothing in this policy shall preclude or prevent incumbent elected public officials from appearances on District property upon the invitation of the Superintendent, the Superintendent's designee or Principal provided that it is within their official capacity and not a campaign activity.

#### **2. School Group Participation in Political Events**

School groups may not participate in appearances that create an undue amount of interference with the regular school program or that cause an excessive amount of students' absences for rehearsal or preparation.

#### **3. Use or Distribution of Political Materials During School Hours or on School Grounds**

- a. Interschool Mail:** Any interschool or intraschool mail and/or email system may not be used to distribute any political materials to schools. A regular newsletter of an employee organization that is normally distributed by the District's/school's mail system will not be considered political material if it simply contains news of a political nature taken by the organization.
- b. Political Materials:** Any distribution of political materials by non-students at an event scheduled in accordance with the school reservation process is prohibited on school grounds, except as allowed under this policy.
- c. Student Elections:** Students may post or distribute student-government election materials in an appropriate time, place, and manner, as determined by the Principal, so as to avoid any disruption to the learning environment.
- d.** Student distribution or display of political material that is disruptive of the

educational environment is not permitted.

- e. This policy should not be construed to limit citizens' political activity on an election day during polling hours in compliance with local ordinances or election law.

Legal Reference:      Connecticut General Statutes  
                             7-421 Political activities of classified municipal employees.  
                             7-421b Limitation on restriction of political rights of municipal employees.  
                             9-369b Explanatory text relating to local questions.  
                             10-156e Employees of boards of education permitted to serve as elected  
                             officials; exception.  
                             10-239 Use of school facilities for other purposes  
                             31-51q Liability of employer for discipline or discharge of employee on  
                             account of employee's exercise of certain constitutional rights.  
                             *Keyishian v. Board of Regents* 395 U.S. 589, 603 (1967)  
                             Academic Freedom Policy (adopted by Connecticut State Board of  
                             Education, 9/9/81)  
                             Equal Access Act, 20 U.S.C. ss 4071-4074

## P1311.2 (a)

### Community Relations

#### Political Activities in the Schools/On School Board Property

##### 1. Political Candidates/Issues

**Debate or Forum:** If a class or school-sponsored group plans a political debate or forum during the school day, the Principal/teacher/sponsor shall ensure that all candidates for the same public office or who have differing opinions on a political issue are given equal opportunity to participate.

**Appearances:** Elected politicians and political candidates are not allowed to appear at a school unless they are invited to visit or speak to a class or other school-related activity during school hours. However, they are entitled to the same rights of all citizens to visit the schools. The requirements for debates or forums are applicable and other candidates for the same public office should be invited to visit at the same time or be provided an equivalent opportunity.

Nothing in this policy shall preclude or prevent incumbent elected public officials from appearances on District property upon the invitation of the Superintendent, the Superintendent's designee or Principal provided that it is within their official capacity and not a campaign activity.

##### 2. School Group Participation in Political Events

School groups may not participate in appearances that create an undue amount of interference with the regular school program or that cause an excessive amount of students' absences for rehearsal or preparation.

##### 3. Use or Distribution of Political Materials During School Hours or on School Grounds

- a. **Interschool Mail:** Any interschool or intraschool mail and/or email system may not be used to distribute any political materials to schools. A regular newsletter of an employee organization that is normally distributed by the District's/school's mail system will not be considered political material if it simply contains news of a political nature taken by the organization.
- b. **Political Materials:** Any distribution of political materials by non-students, except as part of the instructional program or student government, or political activity during working hours (including e-mail messages) at an event scheduled in accordance with the school reservation process is prohibited within school or on school buses on school grounds, except as allowed under this policy.
- c. **Student Elections:** Students may post or distribute student-government election materials in an appropriate time, place, and manner, as determined by the Principal, so as to avoid any disruption to the learning environment.

d. Student distribution or display of political material that is disruptive of the educational environment is not permitted.

Formatted: List Paragraph, Left, Line spacing: single, No bullets or numbering, Tab stops: Not at 0"

e.e. This policy should not be construed to limit citizens' political activity on an election day during polling hours in compliance with local ordinances or election law.

Formatted: List Paragraph, Left, Line spacing: single, No bullets or numbering, Tab stops: Not at 0"

Legal Reference: Connecticut General Statutes  
7-421 Political activities of classified municipal employees.  
7-421b Limitation on restriction of political rights of municipal employees.  
9-369b Explanatory text relating to local questions.  
10-156e Employees of boards of education permitted to serve as elected officials; exception.  
10-239 Use of school facilities for other purposes  
31-51q Liability of employer for discipline or discharge of employee on account of employee's exercise of certain constitutional rights.  
*Keyishian v. Board of Regents* 395 U.S. 589, 603 (1967)  
Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81)  
Equal Access Act, 20 U.S.C. ss 4071-4074

## Students

### USE OF PHYSICAL FORCE

5144.1(a)

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm.

### Definitions

**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, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

**Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

**Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. Excluded from this definition is 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; 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 or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury.

**School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the District or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the District.

## **Students**

### **USE OF PHYSICAL FORCE**

**5144.1(b)**

#### **Definitions (continued)**

**Seclusion** means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the student from leaving. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

**Student** means a child (A) enrolled in grades kindergarten to twelve, (B) receiving special education and related services in an institution or facility operating under contract with the District, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

#### **Conditions Pertaining to the Use of Physical Restraint and / or Seclusion**

- A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- B. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion
- C. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

## **Students**

### **USE OF PHYSICAL FORCE**

**5144.1(c)**

#### **Conditions Pertaining to the Use of Physical Restraint and / or Seclusion**

- D. No student shall be placed in seclusion unless:
  - a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.
  - b. Such student is continually monitored by a trained school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
  - c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
- E. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- F. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
  - a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
    - i. Conducting or revising a behavioral assessment of the student;
    - ii. Creating or revising any applicable behavioral intervention plan; and
    - iii. Determining whether such student may require special education.

## **Students**

### **USE OF PHYSICAL FORCE**

**5144.1(d)**

#### **Conditions Pertaining to the Use of Physical Restraint and / or Seclusion (continued)**

- b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.
- G. A reasonable effort shall be made to provide the student's parent / guardian with notification immediately after such physical restraint or seclusion is initiated; however this notification must occur not later than twenty-four hours after the student is placed in physical restraint or seclusion. If the behavior of the student who was placed in seclusion and / or restraint is such that there is a concern about safely dismissing the student, the school principal or designee will determine the proper course of action regarding the student's dismissal.
- H. The District, and each institution or facility operating under contract with the District to provide special education for children, including any approved private special education program, shall:
  - a. Record each instance of the use of physical restraint or seclusion on a student;
  - b. Specify whether the use of seclusion was in accordance with an individualized education program;
  - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
  - d. Include such information in an annual compilation on its use of such restraint and seclusion on students. These facilities must provide information on each instance to the District Liaison for that facility.
- I. The District and institutions or facilities operating under contract with the District to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.

**Students**

**USE OF PHYSICAL FORCE**

**5144.1(e)**

**Conditions Pertaining to the Use of Physical Restraint and / or Seclusion**  
(continued)

- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
- a. 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; and
  - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

**Required Training and Prevention Training**

Training shall be provided by the District to the members of the crisis intervention team for each school in the District. Such training shall be provided during the school year commencing July 1, 2017 the school year commencing July 1, 2017 and each school year thereafter, and shall include, but not be limited to:

- A. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students.
- B. The creation of a plan by which the District will provide school training and professional development regarding the prevention of incidents requiring physical restraint or seclusion of students. Such plan is to be implemented not later than July 1, 2018,

**Students**

**USE OF PHYSICAL FORCE**

**5144.1(f)**

## **Required Training and Prevention Training (continued)**

- C. The District will create a plan, to be implemented not later than July 1, 2018, requiring the training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
1. Verbal defusing and de-escalation;
  2. Prevention strategies;
  3. Various types of physical restraint and seclusion;
  4. The differences between life-threatening physical restraint and other varying levels of physical restraint;
  5. The differences between permissible physical restraint and pain compliance techniques; and
  6. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
  7. Recording and reporting procedures on the use of physical restraint and seclusion.

## **Crisis Intervention Teams**

For the school year commencing July 1, 2017 and each school year thereafter, each school in the District will identify a crisis intervention team. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal and who has direct contact with the student and trained in the use of physical restraint and seclusion.

Such teams shall 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 injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis.

## **Students**

### **USE OF PHYSICAL FORCE**

**5144.1(g)**

#### **Dissemination of Policy**

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. 4148/4248 - Employee Protection)

(cf. 5141.23 - Students with Special Health Care Needs)

Legal Reference: Connecticut General Statutes

10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services.

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

53a-20 Use of physical force in defense of premises.

53a-21 Use of physical force in defense of property.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.

Adopted 8/4/2009

Revised and Adopted 6/13/2017

Fairfield Public Schools  
Board of Education  
Policy Guide

**Students**

**USE OF PHYSICAL FORCE**

**5144.1(a)**

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm.

**Definitions**

**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, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

**Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

**Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. Excluded from this definition is 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; 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 or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury.

**School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the District or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the District.

Fairfield Public Schools  
Board of Education  
Policy Guide

**Students**

**USE OF PHYSICAL FORCE**

**5144.1(b)**

**Definitions (continued)**

**Seclusion** means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the student from leaving. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

**Student** means a child (A) enrolled in grades kindergarten to twelve, (B) receiving special education and related services in an institution or facility operating under contract with the District, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

**Conditions Pertaining to the Use of Physical Restraint and / or Seclusion**

- A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- B. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion
- C. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

Fairfield Public Schools  
Board of Education  
Policy Guide

**Students**

**USE OF PHYSICAL FORCE**

**5144.1(c)**

**Conditions Pertaining to the Use of Physical Restraint and / or Seclusion**

- D. No student shall be placed in seclusion unless:
- a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.
  - b. Such student is continually monitored by a trained school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
  - c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
- E. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- F. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
- a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
    - i. Conducting or revising a behavioral assessment of the student;
    - ii. Creating or revising any applicable behavioral intervention plan; and
    - iii. Determining whether such student may require special education.

Fairfield Public Schools  
Board of Education  
Policy Guide

**Students**

**USE OF PHYSICAL FORCE**

**5144.1(d)**

**Conditions Pertaining to the Use of Physical Restraint and / or Seclusion**  
(continued)

- b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.
- G. A reasonable effort shall be made to provide the student's parent / guardian with notification immediately after such physical restraint or seclusion is initiated; however this notification must occur not later than twenty-four hours after the student is placed in physical restraint or seclusion. If the behavior of the student who was placed in seclusion and / or restraint is such that there is a concern about safely dismissing the student, the school principal or designee will determine the proper course of action regarding the student's dismissal.
- H. The District, and each institution or facility operating under contract with the District to provide special education for children, including any approved private special education program, shall:
  - a. Record each instance of the use of physical restraint or seclusion on a student;
  - b. Specify whether the use of seclusion was in accordance with an individualized education program;
  - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
  - d. Include such information in an annual compilation on its use of such restraint and seclusion on students. These facilities must provide information on each instance to the District Liaison for that facility.
- I. The District and institutions or facilities operating under contract with the District to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.

Fairfield Public Schools  
Board of Education  
Policy Guide

Students

USE OF PHYSICAL FORCE

5144.1(e)

Conditions Pertaining to the Use of Physical Restraint and / or Seclusion  
(continued)

- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
- a. 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; and
  - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

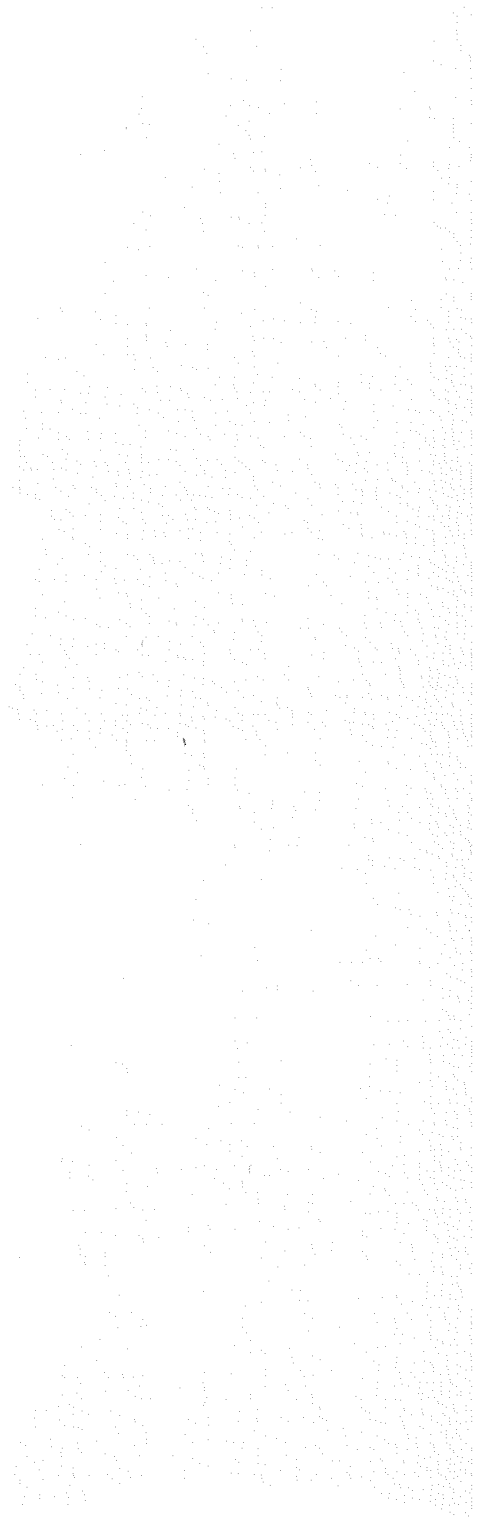
Required Training and Prevention Training

Training shall be provided by the District to school ~~professionals, paraprofessional staff members and administrators regarding the members of the crisis intervention team for each school in the District.~~ physical restraint and seclusion of students. Such training shall be ~~phased in over a period of three years beginning with provided during the school year commencing July 1, 2017~~ the school year commencing July 1, ~~2015~~2017 and each school year thereafter, and shall include, but not be limited to:

- A. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students.
- ~~B. The creation of a plan by which the District will provide school professionals, paraprofessional staff members and administrators with training and professional development regarding the prevention of incidents requiring physical restraint or seclusion of students. Such plan is to be implemented not later than July 1, 2017~~2018, and must include a provision to require the training of all school professionals, paraprofessional staff members and administrators in the prevention of such incidents not later than July 1, 2019 and periodically thereafter as prescribed by the Commissioner of Education.
- B. \_\_\_\_\_

Formatted: List Paragraph, Indent: Left: 0", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.55" + Indent at: 0.8"

|



Fairfield Public Schools  
Board of Education  
Policy Guide

**Students**

**USE OF PHYSICAL FORCE**

5144.1(f)

**Required Training and Prevention Training (continued)**

- C. The District will create a plan, to be implemented not later than July 1, ~~2017~~2018, requiring the training ~~of all school professionals, paraprofessional staff members and administrators~~ by regarding the proper means of physically ~~restraining-restraint~~ or seclusioning of a student, including, but not limited to:
1. Verbal defusing and de-escalation;
  2. Prevention strategies;
  3. Various types of physical restraint and seclusion;
  4. The differences between life-threatening physical restraint and other varying levels of physical restraint;
  5. The differences between permissible physical restraint and pain compliance techniques; and
  6. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
  7. Recording and reporting procedures on the use of physical restraint and seclusion.

**Crisis Intervention Teams**

~~Annually, For the school year commencing July 1, 2017 and each school year thereafter,~~ each school in the District will identify a crisis intervention team. Such team shall consist of ~~school professionals, paraprofessional staff members and administrators~~ any teacher, administrator, school professional or other school employee designated by the school principal and who has direct contact with the student and trained in the use of physical restraint and seclusion.

Such teams shall 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 injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis.

Fairfield Public Schools  
Board of Education  
Policy Guide

**Students**

**USE OF PHYSICAL FORCE**

**5144.1(g)**

**Dissemination of Policy**

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. 4148/4248 - Employee Protection)

(cf. 5141.23 - Students with Special Health Care Needs)

Legal Reference: Connecticut General Statutes

10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services.

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

53a-20 Use of physical force in defense of premises.

53a-21 Use of physical force in defense of property.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.

Adopted 8/4/2009

Revised and Adopted 6/13/2017