



Dear Senator Murphy:

Good afternoon. We hope this email finds you well.

We are reaching out to you today as the president of the board of directors for the CT chapter of the Council of Administrators in Special Education (ConnCASE) and president of the board of directors for the CT Association of Private Special Education Facilities (CAPSEF) regarding the Keeping All Students Safe Act (KASSA). Together, ConnCASE and CAPSEF represent public schools and approved private special education schools throughout the state of CT.

We want all students to be safe in school and to learn in environments that are warm, welcoming and free from fear. We understand that KASSA is designed to bring all states to the same place in terms of how dangerous student behaviors are addressed in the school setting. However, we have concerns about some components of the bill.

- We worry that eliminating the use of emergency seclusion and the use of not only prone restraint (which is overdue) but also supine restraint is actually placing the student having the critical incident, classmates and school employees at even greater risk.
 - Emergency seclusion can be a safe alternative to emergency restraint and is hands-off. Teams must work together with medical providers to be sure that the use of seclusion won't cause harm in some way to the student. But assuming it won't and conditions such as those in CT are present (see below), it is a preferred alternative to restraint in many situations.
 - Eliminating the ability to use emergency supine restraint could have more dire consequences for some students. If a student is acting in a way that is dangerous to others and/or him/herself, rather than being restrained by school employees he/she knows and trusts, will the school need to call the police to intervene? Will this result in the student being handcuffed and/or going to the hospital? Or will the student need to be restrained in a chair which has its own risks?
- We think that the legislation will have unintended consequences:
 - Eliminating seclusion may lead to more instances of restraint.
 - If neither of these alternatives is available to educators, students who are dysregulated, unable to control their behavior, haven't learned alternative skills yet, may end up with no school placement.
 - Prone restraints should be illegal. However, if supine restraints are prohibited, the options for managing an unsafe situation are extremely limited and not good: standing, wall or chair restraint. These are potentially less safe to students and staff than supine restraints. Furthermore, there may be more police involvement and hospitalizations.
 - To specifically state that a student must be able to communicate in their primary mode of communication does not allow for a student who is non-verbal and relies on sign

language or a picture or object system to be restrained. This could lead to more of these students being removed from appropriate educational placements.

- A required meeting after every intervention may result in unnecessary effort that should be afforded to serving the student. It may also create a burden on working families if they must miss work to attend meetings.
- Requiring a statement from all witnesses not directly involved is overly burdensome, taking time away from student interaction and instruction and is not necessary.
- Annual site visits are unnecessary if proper reporting is in place. This will cause an undue burden on state and school officials that would be better spent serving students.

We believe that the CT law regulating the use of seclusion and restraint in schools has a lot to offer as a model for the federal legislation. Please see below for key points of the law (Find the CSDE presentation of the use of emergency seclusion and emergency restraint in schools here:

[https://portal.ct.gov/-/media/SDE/Special-Education/Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion in Schools.pdf](https://portal.ct.gov/-/media/SDE/Special-Education/Understanding_the_Laws_and_Regulations_Governing_the_Use_of_Restraint_and_Seclusion_in_Schools.pdf)):

- Improving data of the use of seclusion and restraint in schools begins with consistent definitions.
 - **Physical Restraint:** 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.
 - 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*);
 - 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.
 - Life Threatening Physical Restraint is illegal and defined as: 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.
 - **Seclusion:** means 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. Seclusion does not include: (1) an exclusionary time out or (2) in-school suspensions.
 - **Exclusionary Time Out:** 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.
- Seclusion and restraint may only be used in emergency situations. They are used as an emergency response to prevent immediate or imminent injury to the person at risk or to others, provided the emergency seclusion is not used for discipline or convenience and is not used as a

substitute for a less restrictive alternative. CT law further defines what constitutes an emergency and what is not an emergency.

- Emergency seclusion and emergency restraint may not be used for more than 15 minutes without the approval of an administrator/designee, school health or mental health personnel or a board certified behavior analyst (BCBA). Further approvals needed every 30 minutes after that.
- Parents/guardians must be notified as soon as possible and not more than 24 hours after the incident, followed by a copy of the incident report within 2 business days.
- If a student has 4 or more incidents of seclusion/restraint within a 20 school day period, the Planning and Placement team (PPT) must convene to examine the incidents and determine if other information is needed and what other strategies/interventions may be employed.
- The law identifies thoroughly what must be covered in staff training.
- Functional behavioral assessment (FBA) is the foundation for addressing challenging behavior and developing a positive behavioral support plan. CT law requires FBA's be completed with and for students with unsafe behavior.

As representatives of ConnCASE and CAPSEF, we are eager to talk with you more about this and to help in any way we can. We look forward to hearing from you.

Kathie

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ConnCASE Board president

Karen

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