



Substitute House Bill No. 5347

Public Act No. 12-88

***AN ACT CONCERNING THE REPORTING OF CHILDREN PLACED
IN SECLUSION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46a-153 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) Each [local or regional board of education,] institution or facility that provides direct care, education or supervision of persons at risk shall (1) record each instance of the use of physical restraint or seclusion on a person at risk and the nature of the emergency that necessitated its use, and (2) include such information in an annual compilation on its use of such restraint and seclusion. The commissioner of the state agency that has jurisdiction or supervisory control over each institution or facility shall review the annual compilation prior to renewing a license for or a contract with such institution or facility.

(b) Each local and regional board of education, institution and facility that provides special education for a child shall (1) record each instance of the use of physical restraint or seclusion on a child, (2) specify whether the use of seclusion was in accordance with an individualized education program or whether the use of physical

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restraint or seclusion was an emergency, including the nature of the emergency that necessitated its use, and (3) include such information in an annual compilation on its use of such restraint and seclusion on children. Under this section, local and regional boards of education, institutions and facilities that provide special education for children shall not be required to report instances of in-school suspensions, as defined in subsection (c) of section 10-233a.

(c) The State Board of Education [may] shall review the annual compilation of each local and regional board of education, institution and facility that provides special education for children and [may] shall produce an annual summary report identifying the frequency of use of physical restraint or seclusion on such children and specifying whether the use of such seclusion was in accordance with an individualized education program or whether the use of such physical restraint or such seclusion was an emergency. Such report shall be submitted on an annual basis not later than February 15, 2013, and December fifteenth of each year thereafter to the select committee of the General Assembly having cognizance of matters relating to children for inclusion in the annual report card prepared pursuant to section 2-53m.

(d) If the use of such restraint or seclusion results in physical injury to the person, [(A)] (1) the local or regional board of education, institution or facility that provides special education for a child [may] shall report the incident to the State Board of Education, which shall include such incident in the report required pursuant to subsection (c) of this section, and [(B)] (2) the institution or facility shall report the incident to the commissioner of the state agency that has jurisdiction or supervisory control over the institution or facility. The State Board of Education and the commissioner receiving a report of such an incident shall report any incidence of serious injury or death to the director of the Office of Protection and Advocacy for Persons with Disabilities

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and, if appropriate, to the Child Advocate of the Office of Child Advocate.