



# House of Representatives

**File No. 609**

General Assembly

February Session, 2012

**(Reprint of File No. 390)**

Substitute House Bill No. 5347  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 2, 2012

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

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

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 Section 46a-153 of the general statutes is repealed and the  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

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

13 (b) Each local and regional board of education, institution and  
14 facility that provides special education for a child shall (1) record each

15 instance of the use of physical restraint or seclusion on a child, (2)  
16 specify whether the use of seclusion was in accordance with an  
17 individualized education program or whether the use of physical  
18 restraint or seclusion was an emergency, including the nature of the  
19 emergency that necessitated its use, and (3) include such information  
20 in an annual compilation on its use of such restraint and seclusion on  
21 children. Under this section, local and regional boards of education,  
22 institutions and facilities that provide special education for children  
23 shall not be required to report instances of in-school suspensions, as  
24 defined in subsection (c) of section 10-233a.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	46a-153

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 13 \$	FY 14 \$
Various Municipalities	STATE MANDATE - Cost	Less than \$1,000	Less than \$1,000

**Explanation**

The bill will result in a minimal cost of less than \$1,000 to various municipalities, associated with additional administrative reporting requirements including, the cost of tracking and compiling information related to the seclusion and restraint of children, not including those children who are serving in-school suspension, which must be sent to the State Department of Education (SDE). The cost is only anticipated to impact municipalities that have a high number of such instances; some municipalities will have no or very few instances to report on, and this will not result in any additional cost.

It is not anticipated that the bill will result in an additional cost to SDE, as they must review the information submitted by the various municipalities and produce a summary report of the information provided. SDE currently has the staff available with expertise in this area to perform the task.

House "A" made various technical and clarifying changes, as well as delayed the date of the initial report. None of the changes are anticipated to result in a fiscal impact.

House "B" clarified that in-school suspension does not have to be

reported on, and did not result in a fiscal impact.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 5347 (as amended by House "A" and "B")\******AN ACT CONCERNING THE REPORTING OF CHILDREN PLACED IN SECLUSION.*****SUMMARY:**

This bill requires local school boards and other entities providing special education to children, when recording instances when seclusion or restraints are used on a child, to indicate whether the use of seclusion was in accordance with the child's individualized education program (IEP) or whether the use of either action was an emergency.

Under the bill, these entities cannot be required to report instances of in-school suspensions, as defined in the state's education law.

The bill also requires, rather than allows, the State Board of Education (SBE) to review the information on seclusion and restraints and summarize it, including whether such actions result in physical injuries to the child. The SBE must provide these summaries annually to the Children's Committee for inclusion in the children's report card.

\*House Amendment "A" (1) requires that the compilation and summary indicate only when seclusion, not restraints, was used in accordance with an IEP and (2) sets a deadline for the first SBE report and changes from October 1 to December 15 the deadline for ongoing reports.

\*House Amendment "B" specifies that the local and regional school boards, institutions, and facilities do not have to report on in-school suspensions.

EFFECTIVE DATE: July 1, 2012

## **USE OF RESTRAINTS AND SECLUSION WITH CHILDREN RECEIVING SPECIAL EDUCATION SERVICES**

### ***Local Compilation of Data***

By law, each local or regional school board, institution, and facility that provides special education to a child must record (1) each instance when physical restraint or seclusion is used on a child and (2) the nature of the emergency that necessitated the action and include the information in an annual compilation for the state. Under the bill, these entities must also specify whether the use of seclusion was in accordance with a child's IEP, or whether the use of seclusion or restraints was an emergency.

Under the bill, the entities are also required, rather than given the option, to report to the SBE any instance in which the use of a restraint or seclusion results in the child's physical injury.

### ***SBE to Issue Summary Report***

The bill requires, rather than allows, the SBE to review these compilations and provide annual summaries identifying the frequency with which restraints and seclusion were used. And it requires the board to include in the summary (1) the information about being part of an IEP in the case of seclusion or an emergency in either action and (2) instances in which the use of restraints or seclusion resulted in the child's physical injury.

The SBE must submit the summary report by February 15, 2013, and by December 15 of each year thereafter to the Children's Committee for inclusion in the General Assembly's annual report card on children's well-being.

## **BACKGROUND**

### ***Use of Seclusion or Restraints on Children***

By law, special education children generally may not be involuntarily placed in seclusion except (1) as an emergency

intervention to prevent immediate or imminent injury to the child or others or (2) their IEP provides for such. The special education providers listed above must notify the child’s parents or guardians of each incident in which a child is placed in seclusion or a physical restraint is used (CGS § 46a-152 (b)).

***In-School Suspension***

The law defines an in-school suspension as exclusion from regular classroom activity for no more than 10 consecutive days, but not exclusion from school, provided such exclusion does not extend beyond the end of the school year in which the suspension is imposed (CGS §10-233a (c)).

***Children’s Report Card***

The Select Committee on Children is required by law to maintain an annual report card on the progress of state policies and programs promoting child well-being.

**COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Substitute Change of Reference  
Yea 8 Nay 0 (03/08/2012)

Education Committee

Joint Favorable  
Yea 31 Nay 0 (03/23/2012)

Appropriations Committee

Joint Favorable  
Yea 52 Nay 0 (04/23/2012)