

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-88—sHB 5347

Select Committee on Children

Education Committee

Appropriations Committee

AN ACT CONCERNING THE REPORTING OF CHILDREN PLACED IN SECLUSION

SUMMARY: This act requires local school boards and other entities providing special education to children, when recording instances in which a child was physically restrained or placed in seclusion, to indicate whether the seclusion was in accordance with the child's individualized education program (IEP) or either action was an emergency. The act provides that this reporting requirement does not apply to instances of in-school suspensions, as defined in the state's education law.

The act also requires, rather than allows, the State Board of Education (SBE) to review and summarize the information the entities provided on seclusion and restraints, including whether such actions resulted 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. By law, the committee maintains an annual report card on the progress of state policies and programs promoting the well being of children.

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 a child is placed in seclusion or physical restraints are used on him or her and (2) the nature of the emergency that necessitated the action. The entities must include the information in an annual compilation for the state. Under the act, they must also specify whether (1) placing the child in seclusion was in accordance with the child's IEP or (2) the seclusion or use of restraints was an emergency.

The act requires, rather than allows, the entities to report to the SBE any instance in which placing a child in restraints or seclusion results in the child's physical injury.

SBE to Issue Summary Report

The act requires, rather than allows, the SBE to review the compilations the entities submit and annually summarize the frequency with which children were

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physically restrained or placed in seclusion. It requires the board to include in the summaries (1) the instances in which such actions resulted in physical injuries to children and (2) whether (a) either action was an emergency or (b) seclusion was part of an IEP.

The SBE must submit the summary report, by February 15, 2013, and by December 15 of each year thereafter, to the Select Committee on Children for inclusion in the committee'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 to prevent immediate or imminent injury to the child or others or (2) their IEP provides for such placement. 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 physical restraints (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)).

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