



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



Connecticut General Assembly – Committee on Children
Written Testimony Submitted by Chief Operating Officer Charlene Russell-Tucker
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Senator Bartolomeo, Representative Urban, Senator Linares, Representative Betts and distinguished members of the Children Committee:

Thank you for the opportunity to provide feedback, on behalf of the Connecticut State Department of Education (CSDE), on two legislative proposals being discussed today: Senate Bill 651, An Act Concerning Nutrition Standards for Child Care Settings and Early Education Programs, and Senate Bill 760, An Act Concerning the Physical Restraint of Students by Teachers and School Personnel.

Please note that, with regard to SB 760, we base our comments only upon the language of the proposed bill itself. Thus far, our Department has not been contacted for discussion regarding the bill's purpose or received further explanation of its origin. Therefore, we are interpreting and responding as best we can, but we would welcome the opportunity to examine and discuss this subject with the benefit of further insight and information.

CSDE is supportive of SB 651.

CSDE has developed a guidance document, the *Action Guide for Child Care Nutrition and Physical Activity Policies*. The Action Guide, which provides districts and child care providers with best practices for promoting healthy eating and physical activity for children in child care from infancy to school age, can be found via the following link: <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=322594>.

We are supportive of implementing statewide standards for early care and education programs that are consistent with the Action Guide. The document is based on current science, public health research, and national recommendations and standards. It is intended to help local and community child care, early education, and afterschool programs establish and implement policies and practices that encourage healthy lifestyles for children.

The goal of these policies and practices is to create an environment that consistently supports children's health and learning by:

- Providing clear and consistent messages that explain and reinforce healthy eating and physical activity habits;
- Helping children learn to make healthy lifestyle choices;
- Providing developmentally appropriate and culturally relevant nutrition education;
- Providing quality physical education and daily opportunities for developmentally appropriate physical activity; and
- Supporting and engaging families in promoting healthy habits.

We would welcome the opportunity to work collaboratively with the Department of Public Health and the newly proposed Office of Early Childhood to develop any standards in this area.

CSDE has concerns with SB 760.

Current state law provides that involuntary physical restraint is to be used solely as an emergency intervention to prevent immediate or imminent injury to the child or to others. Seclusion may be used as an emergency intervention and may be used as a behavior intervention if it is specifically addressed in the child's individualized education program (IEP) developed by the child's planning and placement team (PPT) pursuant to Conn. Gen. Stat. § 10-76d. Seclusion may not be used to discipline a child or because it is convenient and seclusion may not be used as a substitute for a less restrictive alternative. Further, the statute requires that only a person who has received training in physical management, physical restraint, and seclusion procedures, including training to recognize health and safety issues for children placed in seclusion, may restrain a student or remove a student to seclusion. Additional training, including the differences between permissible physical restraint and other varying levels of physical restraint, is also required.

As currently drafted, it appears that SB 760 would allow a teacher or other school employee to refuse to utilize restraint and/or seclusion in an emergency situation that is considered necessary to ensure the safety of the student, other students, and staff.

As noted above, we base our comments on SB 760 only on the language of the proposed bill, and would welcome the opportunity to discuss in greater detail.

Last year, we worked with the Chairs of the Committee on Children on this important issue to ensure that the language in the legislation created a safe learning environment for students. We look forward to partnering with you again this session to ensure that proposed legislation furthers our goal that students are educated in a safe environment.

The CSDE has concerns reading the impact of the proposed bill based on the following:

1. Public schools are required to maintain a safe school setting and are allowed to use reasonable physical force when and to the extent there is a reasonable belief that it is necessary to protect students or staff, obtain possession of a dangerous instrument or controlled substance upon or within control of a minor, protect property from physical damage, or restrain a child or remove a child to another area to maintain order.
2. This proposal could increase the difficulty for districts (as well as schools or programs) serving "at risk" students of maintaining a safe school in the event of an emergency situation where there is imminent danger of injury to "at risk" students and others. It could also create challenges for districts by requiring the hiring and/or assigning of only certified and non-certified staff who agree in advance and possibly only by contract, to be appropriately trained in the use of restraint and seclusion as an emergency procedure, or the use of seclusion as a behavior intervention identified in the IEP of students served.
3. Without further modification, this bill could negatively impact a district's ability to comply with Individuals with Disabilities Education Act (IDEA) and ensure that "at risk" and identified special education students are educated in the least restrictive setting, as well as a district's ability to appropriately implement an IEP.

Thank you.