



General Assembly

January Session, 2013

Committee Bill No. 760

LCO No. 4332



Referred to Committee on CHILDREN

Introduced by:
(KID)

**AN ACT CONCERNING THE PHYSICAL RESTRAINT OF STUDENTS
BY SCHOOL EMPLOYEES.**

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

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) For purposes of this
2 section:

3 (1) "School employee" means (A) a teacher, substitute teacher,
4 school administrator, school superintendent, guidance counselor,
5 psychologist, social worker, nurse, physician, school paraprofessional
6 or coach employed by a local or regional board of education or
7 working in a public elementary, middle or high school; or (B) any
8 other individual who, in the performance of his or her duties, has
9 regular contact with students and who provides services to or on
10 behalf of students enrolled in a public elementary, middle or high
11 school, pursuant to a contract with the local or regional board of
12 education; and

13 (2) "Physically restrain" means to restrict or immobilize a student so
14 as to reduce the free movement of such student's arms, legs or head.
15 "Physically restrain" does not include (A) briefly holding a student in

16 order to calm or comfort such student, or (B) restraint involving the
17 minimum contact necessary to safely escort a student from one area to
18 another.

19 (b) No school employee shall be required to physically restrain a
20 student if such school employee reasonably believes that doing so may
21 result in harm to such school employee.

22 (c) No local or regional board of education shall dismiss, discipline
23 or otherwise penalize any school employee who refuses to physically
24 restrain a student if such school employee reasonably believes that
25 doing so may result in harm to such school employee.

26 (d) Any school employee aggrieved by a violation of subsection (c)
27 of this section may file a complaint with the Labor Commissioner
28 alleging violation of subsection (c) of this section. Upon receipt of any
29 such complaint, the commissioner shall hold a hearing. After the
30 hearing, the commissioner shall send each party a written copy of the
31 commissioner's decision. The commissioner may award the employee
32 all appropriate relief, including payment of back wages to which the
33 employee otherwise would have been eligible if a violation of
34 subsection (c) of this section had not occurred. Any party aggrieved by
35 the decision of the commissioner may appeal the decision to the
36 Superior Court in accordance with the provisions of chapter 54 of the
37 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	New section

Statement of Purpose:

To protect teachers from being required to physically restrain students.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. MUSTO, 22nd Dist.

S.B. 760