

June 19, 2015

Authors:



Linda L. Yoder
(860) 251-5717
lyoder@goodwin.com



Gwen J. Zittoun
(860) 251-5523
gzittoun@goodwin.com

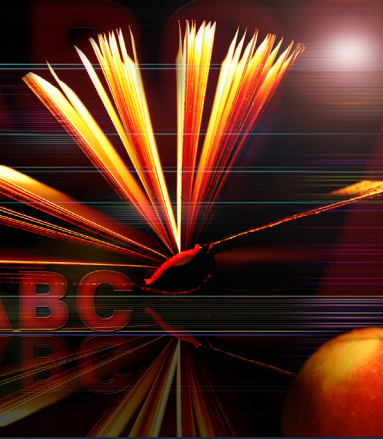
Significant Changes to Law Concerning Physical Restraint and Seclusion in Schools Anticipated to be Effective July 1, 2015

The Legislature has passed Public Act No. 15-141: An Act Concerning Seclusion and Restraint in Schools (the “Act”) [<http://www.cga.ct.gov/2015/ACT/pa/pdf/2015PA-00141-R00SB-00927-PA.pdf>], which makes significant changes to the law and regulations governing physical restraint and seclusion in Connecticut schools. We anticipate that the Governor will sign this legislation and that it will become effective on July 1, 2015. It is therefore imperative that school districts advise staff working in extended school year programs about these changes and also that school districts train all staff before the start of the 2015-2016 school year.

First, it is imperative to inform staff that, **effective July 1st, schools are no longer permitted to include seclusion in a student’s individualized education program (“IEP”).** Thus, even if seclusion is currently included in a student’s IEP, effective July 1, 2015 that aspect of the IEP may not be implemented. Although we urge school districts to amend IEPs and behavior plans as soon as possible to remove seclusion references, it is important that staff is informed that the state law will preempt the IEP and behavior plan. Therefore, this is an exception to the general rule that an IEP must be followed until it is amended.

This legislation is applicable to public school students in grades K-12; students receiving special education in a facility by way of a contract with a board of education; students receiving special education from a regional education service center; and students receiving special education from an approved private special education school. Schools retain the right to use both physical restraint and seclusion as emergency interventions to prevent **immediate or imminent injury** to the student or others, but seclusion may not be part of a student’s special education program.

At this time, we highly recommend that all school districts -- through the Director of Special Education or other administrator -- review all IEPs in the district, which includes review of behavior intervention plans, to determine if seclusion is included as part of a program or plan. Despite this change in the law, school districts may not unilaterally amend an IEP. Any IEP changes must be completed through the planning and placement team or IEP amendment



process. Given the time sensitive nature of this legislative action, and the summer recess, school administrators may wish to contact parents of students affected by this change and request an IEP amendment outside of the PPT.

Questions or Assistance:

Shipman & Goodwin will be hosting a one hour webinar on July 2, 2015 at 1:00 to address this legislation and answer your questions. This webinar will be available to our clients on our website for a period of 60 days if clients are unable to participate on July 2nd. We will send out a separate invitation with a registration link for the webinar. In the meantime, if you have questions regarding the Act, or other issues concerning physical restraint and seclusion in schools, please contact Linda Yoder at lyoder@goodwin.com or 860-251-5717, or Gwen Zittoun at gzittoun@goodwin.com or 860-251-5523.

This communication is being circulated to Shipman & Goodwin LLP clients and friends and does not constitute an attorney client relationship. The contents are intended for informational purposes only and are not intended and should not be construed as legal advice. This may be deemed advertising under certain state laws. © 2015 Shipman & Goodwin LLP.

One Constitution Plaza
Hartford, CT 06103-1919
860-251-5000

300 Atlantic Street
Stamford, CT 06901-3522
203-324-8100

1875 K St., NW - Suite 600
Washington, DC 20006-1251
202-469-7750

289 Greenwich Avenue
Greenwich, CT 06830-6595
203-869-5600

12 Porter Street
Lakeville, CT 06039-1809
860-435-2539

www.shipmangoodwin.com