

LEGAL MAILBAG – OCTOBER 30, 2025



By Gwen Zittoun, Counsel, Shipman & Goodwin – GUEST COLUMNIST

The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

As a middle school principal, I was interested to read Legal Mailbag’s [answer to last week’s question](#) about a possible restraint. Actually, it seems to me that this interaction should (or maybe could) have been characterized as a seclusion.

Stuck Superintendent described that an eighth-grade student had refused to go to the office after a hallway altercation and that, in an effort to encourage the student to go to the office, a staff member had “repeatedly stepped in front of the student to block him from walking past and leaving the situation.” I was relieved to read that the student eventually did walk to the office without further incident, but was confused when Stuck Superintendent characterized the incident as a possible restraint, rather than a seclusion. I seem to recall learning that a seclusion occurs when a student is prevented from leaving an area, while, as you explained last week, a restraint is a “restriction that immobilizes or reduces the free movement of a person’s arms, legs or head.” I did not read anything in Stuck Superintendent’s description indicating that the staff member put hands on the student, but I did read that the student may have been prevented from leaving an area.

Respectfully, did I miss something here or did you?

Signed,
Perplexed Principal

Dear Protector:

Your keen analysis and direct question are much appreciated by Legal Mailbag. A discussion of whether the conduct constituted a seclusion is warranted, though as explained below, Legal Mailbag does not believe that the teacher's actions should be considered a "seclusion."

As explained last week, Connecticut law defines "seclusion" as "the involuntary confinement of a student in a room [with or without school personnel] from which the student is physically prevented from leaving," Conn. Gen. Stat. § 10-236b(a)(5), "provided seclusion does not include any confinement of a person at risk in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out" Regs. Conn. State Agencies § 10-76b-5.

As with physical restraint, trained school personnel may only seclude a student in an emergency situation, and specifically when there is immediate or imminent risk of self-injury or injury to another individual. Despite the definition's use of the phrase "in a room," the Connecticut State Department of Education (CSDE) explains in [Understanding the Laws and Regulations Governing the use of Restraint and Seclusion in Schools: July 2019](#), that "[a]lthough an area or room can be assigned for the purpose of seclusion, a seclusion can be conducted in a classroom, hallway, office, etc., recognizing the defining criteria as the fact that the student is not allowed to leave the room, space, or area."

In the scenario posed by Stuck Superintendent, the question thus becomes whether the staff member physically prevented the student from leaving the area, even though that "area" appears to have been a hallway. Was the student physically able to leave the area? Based on the facts presented, it appears that, while the staff member "blocked" and then directed the student to a certain location (the office), the staff member did not prevent the student from leaving the hallway where the altercation occurred. In fact, Stuck tells us that the student actually did leave the area and went to the office. Any additional or change in facts may certainly change Legal Mailbag's analysis of the situation, but as described this does not appear to meet the definition of seclusion in Connecticut.

That said, what if this was a seclusion? If school personnel determined that an emergency situation existed, in that the student involved or other individuals were in immediate or imminent risk of injury, secluding the student would have been permitted under Connecticut law. The CSDE explains that an "emergency" may include physical aggression toward others or self-injurious behaviors. Throwing objects, destruction of property or inappropriate verbalization alone, however, do not constitute emergency situations and thus physical restraint or seclusion of a student engaging in such conduct would not be permitted. As with physical restraint, any incident of seclusion must be documented and that documentation must include the same information that must be included for an incident of physical restraint. Further, the student's parent/guardian must be informed of an incident of seclusion in the same time period and manner as with an incident of physical restraint. Moreover, instances of serious and non-serious injury resulting from a physical restraint or seclusion must be reported to CSDE within two business days.

The length of a physical restraint or seclusion must be limited to the time necessary for the student to calm and return to the educational environment. Whenever an instance of physical restraint or seclusion lasts for more than fifteen minutes, an administrator or designee, school health or mental health personnel, or a board certified behavioral analyst trained in seclusion and physical restraint must determine whether continued physical restraint or seclusion is necessary and, if so, must make a new determination every thirty minutes.

While Stuck's circumstance occurred in a hallway, seclusion can occur in a room as well. Any room used for purposes of seclusion must meet the strict standards imposed by Connecticut law. Specifically, rooms used for seclusion must:

- Be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
- Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located;
- Be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located;
- Be free of any object that poses a danger to the student who is being placed in the room;
- Conform to applicable building code requirements, which includes the need for a modification from the State Fire Marshal's office in the event the door to the room used for seclusion can be locked, latched or otherwise secured, and the ability for any locking mechanism to be released as soon as possible, but no longer than within two minutes, of the onset of an emergency; and
- Have an unbreakable observation window located in a wall or door to allow the student a clear line of sight beyond the area of seclusion and to permit frequent visual monitoring of the student and any provider or assistant in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a person at risk.

Conn. Gen. Stat. § 10-236b(d); Regs. Conn. State Agencies § 10-76b-8.

Neither you nor Stuck questioned whether the conduct amounted to an unlawful seizure under the Fourth Amendment to the U.S. Constitution, but Legal Mailbag can't resist. Briefly, and as you may know, the Fourth Amendment prohibits public school personnel from engaging in unreasonable searches and seizures. Is the conduct described by Stuck an unlawful seizure? Simply put, no. Courts have regularly ruled that the standard for detaining a student is "reasonableness" and a "per se rule against detentions of a specified duration would eviscerate the ability of administrators" to regulate and remediate real-time safety and security issues within the school. *See Wofford v. Evans*, 390 F.3d 318 (4th Cir. 2004). Requiring a student to remain in the principal's office or in-school suspension (or perhaps a hallway), for example, do not rise to Fourth Amendment violations.

Thank you, Perplexed, for straightening out this situation.