

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 140

BY EDUCATION COMMITTEE

AN ACT

RELATING TO TEACHERS; AMENDING SECTION 33-1224, IDAHO CODE, TO REVISE PROVISIONS REGARDING CLASSROOM BEHAVIOR, TO PROHIBIT CERTAIN DISCIPLINARY ACTIONS, TO DEFINE TERMS, TO AUTHORIZE THE PREPARATION OF CERTAIN RESOURCES AND POLICIES, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1224, Idaho Code, be, and the same is hereby amended to read as follows:

33-1224. POWERS AND DUTIES OF TEACHERS. (1) In the absence of any statute or rule or regulation of the board of trustees, any teacher employed by a school district shall have the right to direct how and when each pupil shall attend to his appropriate duties, and the manner in which a pupil shall demean himself while in attendance at the school. It is the duty of a teacher to carry out the rules and regulations of the board of trustees in ~~controlling and maintaining discipline~~ managing classroom behavior, and a teacher shall have the power to adopt any reasonable rule or regulation to ~~control and maintain discipline~~ manage classroom behavior in, and otherwise govern, the classroom, not inconsistent with any statute or rule or regulation of the board of trustees.

(2) Corporal punishment, restraint, and seclusion shall not be used as a form of discipline or method of classroom governance and must be deployed only in circumstances where a pupil's conduct has placed himself, employees, or any other individual in imminent danger of serious bodily harm. Termination of restraint and seclusion shall occur immediately once it is determined that the pupil is no longer an immediate danger to himself or to any other student or employee or when a parent or legal guardian has taken custody of the child. For purposes of this section:

(a) "Chemical restraint" means using drugs or medication to control behavior. This does not include those prescribed by and administered in accordance with the directions of a qualified health professional;

(b) "Corporal punishment" means knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure;

(c) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

(i) Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater free-

1 dom of mobility than would be possible without the use of such  
 2 devices or mechanical supports;

3 (ii) Vehicle safety restraints when used as intended during the  
 4 transport of a student in a moving vehicle;

5 (iii) Restraints for medical immobilization; or

6 (iv) Orthopedically prescribed devices that permit a student to  
 7 participate in activities without risk of harm;

8 (d) "Physical escort" means a temporary touching or holding of the  
 9 hand, wrist, arm, shoulder, or back for the purpose of inducing a stu-  
 10 dent who is acting out to walk to a safe location;

11 (e) "Physical restraint" means a personal restriction that immobilizes  
 12 or reduces the ability of a student to move his or her torso, arms, legs,  
 13 or head freely. The term physical restraint does not include a physical  
 14 escort; and

15 (f) "Seclusion" means the involuntary confinement of a student alone in  
 16 a room or area from which the student is physically prevented from leav-  
 17 ing. It does not include a timeout, which is a behavior management tech-  
 18 nique that is part of an approved program, involves the monitored sep-  
 19 aration of the student in a non-locked setting, and is implemented for  
 20 the purpose of calming.

21 (3) The state department of education shall prepare resources, guid-  
 22 ance, and training modules to support schools in adhering to the provisions  
 23 of this section. The school district board of trustees or directors of a pub-  
 24 lic charter school shall adopt a policy that shall apply to nondisabled and  
 25 disabled students to include the following:

26 (a) Definitions of physical restraint, mechanical restraint, chemical  
 27 restraint, and seclusion;

28 (b) Guidelines for use and prohibitions to the use of restraint and  
 29 seclusion;

30 (c) Reporting requirements for documenting and informing parents, ad-  
 31 ministrators, and government agencies as necessary of each instance of  
 32 restraint or seclusion; and

33 (d) Requirements for periodic review of instances of restraint or  
 34 seclusion and review of practices related to such.

35 (4) All staff shall receive annual professional development train-  
 36 ing regarding positive behavior supports, de-escalation techniques, and  
 37 managing classroom behavior. All staff directly serving students or class-  
 38 rooms with students who demonstrate severe behaviors shall receive annual  
 39 professional development training in crisis management, de-escalation  
 40 techniques, the correct use of restraints and seclusion when required, and  
 41 the implementation of functional behavior assessment, behavior interven-  
 42 tion plans, and crisis plans.

43 SECTION 2. An emergency existing therefor, which emergency is hereby  
 44 declared to exist, this act shall be in full force and effect on and after  
 45 July 1, 2023.