

SECOND REGULAR SESSION

HOUSE BILL NO. 1568

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAILEY.

4155H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 160.263, RSMo, and to enact in lieu thereof one new section relating to school district policies on restrictive behavioral interventions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 160.263, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.263, to read as follows:

160.263. 1. **As used in this section, the following terms mean:**

(1) **"Restraint", the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student's body. "Restraint" shall not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team;**

(2) **"Seclusion", the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. "Seclusion" shall not include a student-requested or adult-accompanied break from the classroom; in-school suspension, detention, or other appropriate disciplinary measure; or the provisions of a Behavior Intervention Plan (BIP) of a current Individualized Education Program (IEP), a Section 504 Plan, or an intervention plan developed in accordance with the principles of positive behavior intervention and support.**

2. The school discipline policy under section 160.261 shall prohibit confining a student in an unattended, locked space except for an emergency situation while awaiting the arrival of law enforcement personnel.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 ~~[2-]~~ **3. (1)** By July 1, 2011, the local board of education of each school district shall
19 adopt a written policy that comprehensively addresses the use of restrictive behavioral
20 interventions as a form of discipline or behavior management technique. The policy shall be
21 consistent with professionally accepted practices and standards of student discipline, behavior
22 management, health and safety, including the safe schools act. The policy shall include but not
23 be limited to:

24 ~~[(1)]~~ **(a)** Definitions of restraint, seclusion, and time-out and any other terminology
25 necessary to describe the continuum of restrictive behavioral interventions available for use or
26 prohibited in the district, **consistent with the provisions of this section;**

27 ~~[(2)]~~ **(b)** Description of circumstances under which a restrictive behavioral intervention
28 is allowed and prohibited, **consistent with the provisions of this section,** and any unique
29 application requirements for specific groups of students such as differences based on age,
30 disability, or environment in which the educational services are provided;

31 ~~[(3)]~~ **(c)** Specific implementation requirements associated with a restrictive behavioral
32 intervention such as time limits, facility specifications, training requirements or supervision
33 requirements; and

34 ~~[(4)]~~ **(d)** Documentation, notice and permission requirements associated with use of a
35 restrictive behavioral intervention.

36 **(2) By July 1, 2021, each written policy adopted under this subsection shall be**
37 **updated to include a prohibition on the use of seclusion or restraint for any purpose other**
38 **than to promote the health and safety of students, teachers, and staff members.**

39 ~~[3-]~~ **4. Before July 1, 2021, each school district shall ensure that the policy adopted**
40 **under subsection 3 of this section requires the following:**

41 **(1) Each time seclusion or restraint is used for a student, every individual other**
42 **than a student who was involved or witnessed such use, including any law enforcement**
43 **personnel working with the school district, shall complete a report on the details of the use**
44 **of seclusion or restraint for the student. The report shall state the reason for the use of**
45 **seclusion or restraint and describe the methods of seclusion or restraint used. A copy of**
46 **each incident report shall be given to the department of elementary and secondary**
47 **education within thirty days of the incident;**

48 **(2) The school district shall notify the parents or legal guardians of the use of**
49 **seclusion or restraint for their child within twenty-four hours of such use. The notification**
50 **shall include a description of the incident. Each notification shall include language**
51 **informing the parents or legal guardians of their right to request a meeting to review the**
52 **incident with the staff involved and the school administrator. The notification shall be**
53 **accompanied by a plain-language description of the school district's complaint procedures,**

54 **including contact information for designated staff members in the complaint process, and**
55 **language stating the right of the parents or legal guardians to file a child complaint with**
56 **the department of elementary and secondary education under subdivision (4) of this**
57 **subsection. If applicable to the student, the notification shall also contain the relevant**
58 **provisions of the Individuals with Disabilities Education Act (IDEA) or the relevant**
59 **provisions of Section 504 due process rights and procedures;**

60 **(3) The school district shall allow the parents or legal guardians to review the**
61 **report or reports required under subdivision (1) of this subsection regarding their child;**
62 **and**

63 **(4) The parents or legal guardians may file a child complaint with the department**
64 **of elementary and secondary education regarding any use of seclusion or restraint for their**
65 **child.**

66 **5. The department of elementary and secondary education shall, in cooperation with**
67 **appropriate associations, organizations, agencies, and individuals with specialized expertise in**
68 **behavior management, develop a model policy that satisfies the requirements of subsection 2 of**
69 **this section as it existed on August 28, 2009, by July 1, 2010, and shall update such model**
70 **policy to include the requirements of subdivision (2) of subsection 3 and subsection 4 of this**
71 **section by July 1, 2021.**

72 **6. The department of elementary and secondary education shall develop**
73 **recommendations for data collection and reporting regarding the use of seclusion or**
74 **restraint in Missouri school districts and charter schools to present to the state board of**
75 **education. Once approved by the state board of education, the provisions of these**
76 **recommendations shall be addressed in the annual recommended budget presented to the**
77 **legislature and in updates of the Missouri school improvement program.**

✓