

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1568**  
**100TH GENERAL ASSEMBLY**

4155H.03C

DANA RADEMAN MILLER, Chief Clerk

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**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.

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*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Section A. Section 160.263, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.263, to read as follows: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" or "isolation", the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving. "Seclusion" or "isolation" shall not include a student-requested or adult-accompanied break from the classroom, in-school suspension, detention, or other appropriate disciplinary measure.**

2. (1) The school discipline policy under section 160.261 shall prohibit confining a student in ~~[an unattended, locked space]~~ **seclusion or isolation** except for an emergency situation ~~[while awaiting the arrival of law enforcement personnel].~~

(2) **Any incident of seclusion, isolation, or restraint shall be monitored by a member of the school district or charter school personnel, who shall record a written observation of the incident. The written observation shall include a detailed description of the incident,**

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 **with an entry made for every one minute of seclusion, isolation, or restraint used during**  
19 **the incident.**

20 **(3) The school district or charter school shall make and preserve both an audio and**  
21 **video recording of any incident involving seclusion or isolation.**

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

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

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

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

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

40 **(2) Before July 1, 2021, each written policy adopted under this subsection shall be**  
41 **updated to include a prohibition on the use of seclusion, isolation, or restraint for any**  
42 **purpose other than to maintain the health and safety of students, teachers, and staff**  
43 **members.**

44 ~~[3-]~~ **4. Before July 1, 2021, each school district and charter school shall ensure that**  
45 **the policy adopted under subsection 3 of this section requires the following:**

46 **(1) Any child placed in seclusion, isolation, or restraint shall be removed from such**  
47 **seclusion, isolation, or restraint as soon as the child is determined to no longer be a danger**  
48 **to the health and safety of students, teachers, and staff members;**

49 **(2) All school district and charter school personnel shall annually complete**  
50 **mandatory training in the specific seclusion, isolation, and restraint techniques the school**  
51 **district or charter school uses under this section;**

52 **(3) Each time seclusion, isolation, or restraint is used for a student, every individual**  
53 **other than a student who was involved or witnessed such use, including any law**

54 enforcement personnel or other personnel contracted to work with or for the school district  
55 or charter school, shall complete a report on the details of the use of seclusion, isolation,  
56 or restraint for the student. The report shall state the reason for the use of seclusion,  
57 isolation, or restraint and describe the methods of seclusion, isolation, or restraint used.  
58 A copy of each incident report shall be given to the department of elementary and  
59 secondary education within thirty days of the incident;

60 (4) The school district or charter school shall notify the parents or legal guardians  
61 of the use of seclusion, isolation, or restraint for their child by the end of the school day on  
62 which such incident occurred. The school district or charter school shall continue  
63 attempting to contact the parent or legal guardian until the required notification is made.  
64 The notification shall include a description of the incident. Each notification shall include  
65 language informing the parents or legal guardians of their right to request a meeting to  
66 review the incident with the staff involved and the school administrator. The notification  
67 shall be accompanied by a plain-language description of the school district's or charter  
68 school's complaint procedures, including contact information for designated staff members  
69 in the complaint process, and language stating the right of the parents or legal guardians  
70 to file a complaint with the department of elementary and secondary education under  
71 subdivision (6) of this subsection;

72 (5) The school district or charter school shall provide the parents or legal guardians  
73 with a copy of the report or reports required under subdivision (3) of this subsection  
74 regarding their child and with a copy of every audio and video recording and written  
75 observation created under subsection 2 of this section; and

76 (6) The parents or legal guardians may file a complaint regarding any use of  
77 seclusion, isolation, or restraint for their child. Such complaint shall be filed first with the  
78 school district or charter school. If the concerns of the parents or legal guardians are not  
79 satisfactorily resolved by the school district or charter school, the parents or legal  
80 guardians may file a complaint with the department of elementary and secondary  
81 education.

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

88           **6. If a child is subjected to seclusion, isolation, or restraint under this section more**  
89 **than once per school quarter, the child shall automatically be required to submit to a**  
90 **behavior assessment.**

91           **7. (1) The continued use of seclusion, isolation, or restraint as a behavioral**  
92 **intervention strategy shall be reviewed by each school district and charter school at least**  
93 **annually. If the use of seclusion, isolation, or restraint as a behavior intervention is**  
94 **repeated more than two times in any school quarter for any student, the administration**  
95 **shall review the use of seclusion, isolation, or restraint as a behavior intervention, and may**  
96 **consider additional evaluations or assessments to address student behaviors.**

97           **(2) Any use of seclusion, isolation, or restraint in violation of this section may be**  
98 **deemed to be abuse under sections 210.109 to 210.183, and any school district or charter**  
99 **school personnel participating in any such violation may be subject to all provisions of**  
100 **sections 210.109 to 210.183 for each such violation.**

101           **(3) Any school district or charter school personnel reporting a violation of this**  
102 **section shall be provided with the same protections provided in section 162.069 to persons**  
103 **making a report.**

104           **8. The department of elementary and secondary education shall develop**  
105 **recommendations for data collection and reporting regarding the use of seclusion, isolation,**  
106 **or restraint in Missouri school districts, charter schools, or any entity contracted with a**  
107 **public school district or charter school to present to the state board of education. Once**  
108 **approved by the state board of education, the provisions of these recommendations shall**  
109 **be addressed in the annual recommended budget presented to the legislature and in**  
110 **updates of the Missouri school improvement program.**

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