

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3127

By: Cockroft

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6 AS INTRODUCED

7 An Act relating to schools; requiring school
8 districts to have a plan for student on which
9 seclusion was or may be used; prohibiting school
10 district personnel from using physical restraint or
11 seclusion on students with disabilities for certain
12 purposes; prohibiting the use of chemical or
13 mechanical restraint; specifying emergency
14 circumstances when physical restraint or seclusion
15 can be used; requiring school personnel to have
16 certain training; prohibiting the use of certain
17 types of restraints or maneuvers; requiring
18 continuous monitoring of a student in seclusion;
19 listing certain conditions for seclusion; requiring
20 the presence of a witness; requiring notification of
21 parents or guardians within certain time period;
22 requiring a school building administrator to be
23 informed; providing for the documentation of an
24 incident of physical restraint or seclusion;
specifying contents of the reporting form; requiring
documentation be placed in a certain student file;
providing for a debriefing meeting; listing persons
to be included in the debriefing meeting; providing
for a review meeting after any seclusion incident;
defining certain terms; providing for codification;
providing an effective date; and declaring an
emergency.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 13-116 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. School district personnel shall not use physical restraint
5 on students with disabilities for the purposes of discipline, as a
6 punishment, to force compliance, as a convenience for staff or to
7 prevent property damage.

8 B. School district personnel shall not use chemical or
9 mechanical restraint on students with disabilities.

10 C. School district personnel may use physical restraint on
11 students with disabilities to manage behavior only under the
12 following emergency circumstances and only if the following elements
13 exist:

14 1. The actions of the student pose an imminent risk of harm to
15 the student or others;

16 2. Less restrictive measures appropriate to the behavior
17 exhibited by the student have not effectively de-escalated the risk
18 of injury;

19 3. The physical restraint lasts only as long as necessary to
20 resolve the risk of danger or harm; and

21 4. The degree of limitation or restriction of the freedom of
22 movement that is applied does not exceed what is necessary to
23 protect the student or other person from imminent bodily injury.

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1 D. School district personnel who use physical restraint on
2 students with disabilities shall have training in:

- 3 1. Conflict de-escalation;
- 4 2. The crisis cycle and interventions at each stage;
- 5 3. Possible effects of physical restraint;
- 6 4. First aid; and
- 7 5. Cardiopulmonary resuscitation (CPR).

8 E. The trainings required pursuant to this section shall result
9 in some form of certification or credential that is recognized by
10 the State Board of Education, be recurrent with annual updates and
11 be consistent with nationally recognized training programs. The
12 training shall also include methods for monitoring the well-being of
13 a student during and following a restraint.

14 F. Prone restraints or any maneuver that places pressure or
15 weight on the chest, sternum, lungs, diaphragm, neck, throat or back
16 shall not be used by school district personnel on students with
17 disabilities. No restraint that prevents a student from speaking or
18 breathing shall be allowed.

19 G. At least one witness who is not involved in the physical
20 restraint shall be present while physical restraint is being used on
21 a student with disabilities.

22 H. When school district personnel use physical restraint on a
23 student with disabilities, the parent or guardian of the student
24 shall be notified within twenty-four (24) hours following each

1 incident of a physical restraint and shall be provided a copy of all
2 documentation.

3 I. A school building administrator shall be informed
4 immediately of any incident of a physical restraint and, if
5 unavailable, shall be informed as soon as possible following each
6 incident.

7 J. Each incident of physical restraint used on a student with
8 disabilities shall be documented on a form developed by the State
9 Department of Education and shall include the following information:

10 1. Name of the student;

11 2. Name of the school district personnel involved in the
12 incident;

13 3. Date of the incident and the time the physical restraint
14 started and ended;

15 4. Location of the restraint;

16 5. A description of the physical restraint;

17 6. A description of the activity and behavior of the student
18 immediately preceding the behavior that prompted the use of physical
19 restraint;

20 7. A description of school district personnel efforts to de-
21 escalate the situation and alternatives to physical restraint that
22 were attempted; and

23 8. Information documenting parent or guardian and administrator
24 notification and contact.

1 K. A copy of the documentation required in subsection J of this
2 section shall be placed in the confidential file of the student and
3 provided to the parent or guardian of the student.

4 L. A documented debriefing meeting shall occur within one (1)
5 week following each physical restraint incident, and prior to any
6 extended breaks from school. The debriefing meeting shall include
7 all individuals involved in the incident, a school building
8 administrator, the parents or guardians of the student with a
9 disability, the student if the student is able to participate and
10 the witness who was not involved in the physical restraint as
11 required in subsection G of this section. The debriefing meeting
12 shall focus on alternatives to physical restraint and how to avoid
13 future use of physical restraint, including antecedent events that
14 led to the use of the physical restraint.

15 M. As used in this section:

16 1. "Chemical restraint" means a drug or medication used to
17 control behavior or restrict freedom of movement that is not
18 prescribed by a licensed physician for standard treatment of a
19 medical condition of a student and administered for that purpose as
20 prescribed;

21 2. "Imminent risk of harm" means the immediate and impending
22 threat of a student causing serious bodily injury to self or others;

23 3. "Mechanical restraint" means the use of devices as a means
24 of restricting the freedom of movement of a student;

1 4. "Physical restraint" means any method of one or more persons
2 limiting or restricting a student's freedom of movement, physical
3 activity or normal access to the body. It is a means for managing
4 the movement of a student, reconstituting behavioral management and
5 establishing and maintaining safety for the student, other students
6 and staff; and

7 5. "Prone restraints" means any restraints that position a
8 student face down on the stomach or face up on the back.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 13-117 of Title 70, unless there
11 is created a duplication in numbering, reads as follows:

12 A. In cases where a student with disabilities has a history of
13 dangerous behavior for which seclusion was considered or used, the
14 school district shall have a plan for:

- 15 1. Teaching and supporting more appropriate behavior; and
16 2. Determining positive methods to prevent behavioral
17 escalations that have previously resulted in the use of seclusion.

18 B. School district personnel shall not use seclusion on
19 students with disabilities for the purposes of discipline, as a
20 punishment, to force compliance or as a convenience for staff.

21 C. School district personnel may use seclusion on students with
22 disabilities to manage behavior only under the following emergency
23 circumstances and only if the following elements exist:

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1 1. The actions of the student pose an imminent risk of harm to
2 the student or others;

3 2. Positive behavior intervention strategies and less
4 restrictive measures appropriate to the behavior exhibited by the
5 student and specified in the individualized education program (IEP)
6 or the Behavior Intervention Plan (BIP) for the student were
7 implemented but did not de-escalate the risk of danger or harm; and

8 3. The seclusion lasts only as long as necessary to resolve the
9 risk of danger or harm or while waiting for the arrival of law
10 enforcement or crisis intervention personnel in cases where the
11 student had possessed a weapon or committed a crime.

12 D. School district personnel who use seclusion procedures on
13 students with disabilities shall have training in:

- 14 1. Conflict de-escalation;
- 15 2. The crisis cycle and interventions at each stage;
- 16 3. Possible effects of seclusion;
- 17 4. Appropriate use of seclusion rooms;
- 18 5. Cardiopulmonary resuscitation (CPR) and first aid; and
- 19 6. Methods of monitoring the well-being of the student.

20 E. The training required pursuant to this section shall result
21 in some form of certification or credential that is recognized by
22 the State Board of Education, be recurrent with annual updates and
23 be consistent with nationally recognized training programs.

1 F. Any student with disabilities who is placed in seclusion
2 based upon the criteria as established in this section shall be
3 continuously monitored visually and aurally by a school employee.

4 While in seclusion:

5 1. The student shall be allowed to go to the restroom upon
6 request;

7 2. The student shall be permitted water to drink upon request;
8 and

9 3. If the student displays any signs of medical distress
10 immediate action shall be taken.

11 G. At least one witness who is not involved in the seclusion
12 shall be present while a student with disabilities is in seclusion.

13 H. When school district personnel use seclusion on a student
14 with disabilities, the parent or guardian of the student shall be
15 notified within twenty-four (24) hours following each incident of
16 seclusion and shall be provided a copy of all documentation.

17 I. A school building administrator shall be informed
18 immediately of any incident of seclusion and, if unavailable, shall
19 be informed as soon as possible following each incident.

20 J. Each incident of seclusion on a student with disabilities
21 shall be documented on a form developed by the State Department of
22 Education.

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1 K. A copy of the documentation required in subsection J of this
2 section shall be placed in the confidential file of the student and
3 provided to the parent or guardian of the student.

4 L. An IEP meeting to review the BIP and placement of the
5 student with disabilities may occur following any incident of
6 seclusion.

7 M. As used in this section:

8 1. "Imminent risk of harm" means the immediate and impending
9 threat of a student causing serious bodily injury to self or others;

10 2. "Seclusion" means the involuntary confinement of a student
11 alone in a room or area from which the student is physically
12 prevented from leaving. Seclusion shall not include timeouts, which
13 is a behavior management technique implemented for the purpose of
14 calming and redirecting; and

15 3. "Seclusion room" means a room or other confined area in
16 which a student is placed in isolation from other persons and from
17 which the student is prevented from leaving. A seclusion room shall
18 meet the following criteria:

- 19 a. is of an adequate size to allow the student to sit or
20 lie down,
21 b. has adequate lighting,
22 c. is equipped with heating, cooling, ventilation and
23 lighting systems that are comparable to those in other
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1 rooms throughout the building in which the seclusion
2 room is located,

3 d. is free of any objects that pose a potential risk of
4 harm to the student,

5 e. is equipped with a door lock that automatically
6 disengages in case of an emergency such as a fire or
7 severe weather, and

8 f. allows for continuous visual and auditory monitoring
9 of the student.

10 SECTION 3. This act shall become effective July 1, 2016.

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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