

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 72

By: Ikley-Freeman

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6 AS INTRODUCED

7 An Act relating to schools; directing State Board of  
8 Education to promulgate rules regarding the use of  
9 restraint and seclusion; requiring the rules to  
10 include certain provisions; prescribing school boards  
of education to adopt and adhere to rules; providing  
for codification; providing an effective date; and  
declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 13-117 of Title 70, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. The State Board of Education shall promulgate rules  
18 regarding the use of restraint and seclusion. The rules shall  
19 include the following provisions:

20 1. Every effort shall be made to prevent the need for the use  
21 of restraint or seclusion;

22 2. Schools shall be prohibited from using mechanical restraints  
23 to restrict a child's freedom of movement and from using a drug or  
24 medication to control a child's behavior or restrict a child's

1 freedom of movement, except as authorized by a licensed physician or  
2 other qualified health care professional;

3 3. Schools shall be discouraged from using physical restraint  
4 or seclusion except in a situation where the child's behavior poses  
5 imminent danger of serious physical harm to self or others and other  
6 interventions are ineffective. Physical restraint and seclusion  
7 shall be discontinued as soon as imminent danger of serious physical  
8 harm to self or others has dissipated;

9 4. The rules promulgated by the Board shall apply to all  
10 children enrolled in a public school district;

11 5. Any behavioral interventions used by school personnel shall  
12 be consistent with a child's right to be treated with dignity and to  
13 be free from abuse;

14 6. Schools shall be prohibited from using restraint or  
15 seclusion as punishment or discipline, as a means of coercion or  
16 retaliation or as a convenience;

17 7. Schools shall be prohibited from using restraint or  
18 seclusion in a manner that restricts a child's breathing or harms  
19 the child;

20 8. The use of restraint or seclusion multiple times in the same  
21 classroom, by the same individual or on the same child shall trigger  
22 a review by the school district and, if appropriate, lead to  
23 revisions of strategies currently in place to address dangerous  
24 behavior;

1           9. The development of positive behavioral strategies;

2           10. The development of behavioral strategies to address  
3 dangerous behavior that results in the use of restraint or seclusion  
4 to address the underlying cause or purpose of the dangerous  
5 behavior;

6           11. A professional development component to train teachers and  
7 other school personnel on the appropriate use of effective  
8 alternatives to physical restraint and seclusion, such as positive  
9 behavioral strategies and supports and the safe use of physical  
10 restraint and seclusion only for cases involving imminent danger of  
11 serious physical harm;

12           12. A requirement to monitor each use of restraint or seclusion  
13 to ensure appropriateness of its use and the safety of the child,  
14 other children, teachers and other school personnel;

15           13. A requirement to notify the parents or legal guardians of  
16 children about the policies governing the use of restraint or  
17 seclusion, as well as applicable federal, state or local laws;

18           14. A requirement to promptly notify the parents or legal  
19 guardians of a child when restraint or seclusion has been used on  
20 the child;

21           15. A requirement to regularly review and update policies on  
22 restraint and seclusion; and

1 16. A requirement to document each use of restraint or  
2 seclusion along with relevant data that would enable teachers and  
3 other school personnel to understand and implement the policy.

4 B. School district boards of education shall adopt and adhere  
5 to the rules promulgated by the State Board of Education as provided  
6 in subsection A of this section.

7 SECTION 2. This act shall become effective July 1, 2019.

8 SECTION 3. It being immediately necessary for the preservation  
9 of the public peace, health or safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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