

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HS/House Bill No. 432, Page 1, Section A, Line 9,

2 by inserting after all of said line the following:

3 "160.263. 1. As used in this section, the following
4 terms mean:

5 (1) "Mechanical restraint", the use of any device or
6 equipment to restrict a student's freedom of movement.

7 "Mechanical restraint" shall not include devices implemented
8 by trained personnel or used by a student with a
9 prescription for such devices from an appropriate medical or
10 related services professional and that are used for specific
11 and approved purposes for which such devices were designed,
12 such as the following:

13 (a) Adaptive devices or mechanical supports used to
14 achieve proper body position, balance, or alignment to allow
15 greater freedom of mobility than would be possible without
16 the use of such devices or mechanical supports;

17 (b) Vehicle safety restraints when used as intended
18 during the transport of a student in a moving vehicle;

19 (c) Restraints for medical immobilization; or

20 (d) Orthopedically prescribed devices that permit a
21 student to participate in activities without risk;

22 (2) "Physical restraint", a personal restriction such
23 as person-to-person physical contact that immobilizes,
24 reduces, or restricts the ability of a student to move the
25 student's torso, arms, legs, or head freely. "Physical
26 restraint" shall not include:

27 (a) A physical escort, which is a temporary touching
28 or holding of the hand, wrist, arm, shoulder, or back for
29 the purpose of inducing a student to walk to a safe location;

30 (b) Comforting or calming a student;

31 (c) Holding a student's hand to transport the student
32 for safety purposes;

33 (d) Intervening in a fight; or

34 (e) Using an assistive or protective device prescribed
35 by an appropriately trained professional or professional
36 team;

37 (3) "Prone restraint", using mechanical or physical
38 restraint or both to restrict a student's movement while the
39 student is lying with the student's front or face downward;

40 (4) "Restraint" includes, but is not limited to,
41 mechanical restraint, physical restraint, and prone
42 restraint;

43 (5) "Seclusion", the involuntary confinement of a
44 student alone in a room or area that the student is
45 physically prevented from leaving and that complies with the
46 building code in effect in the school district. "Seclusion"
47 shall not include the following:

48 (a) A timeout, which is a behavior management
49 technique that is part of an approved program, involves the
50 monitored separation of the student in a nonlocked setting,
51 and is implemented for the purpose of calming;

52 (b) In-school suspension;

53 (c) Detention; or

54 (d) Other appropriate disciplinary measures.

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

59 seclusion for situations or conditions in which there is
60 imminent danger of physical harm to self or others.

61 3. For all school years beginning on or after July 1,
62 2022, no school district, charter school, or publicly
63 contracted private provider shall use any mechanical,
64 physical, or prone restraint technique that:

65 (1) Obstructs views of the student's face;

66 (2) Obstructs the student's respiratory airway,
67 impairs the student's breathing or respiratory capacity, or
68 restricts the movement required for normal breathing to
69 cause positional or postural asphyxia;

70 (3) Places pressure or weight on or causes the
71 compression of the student's chest, lungs, sternum,
72 diaphragm, back, abdomen, or genitals;

73 (4) Obstructs the student's circulation of blood;

74 (5) Involves pushing on or into the student's mouth,
75 nose, eyes, or any part of the face or involves covering the
76 face or body with anything including, but not limited to,
77 soft objects such as pillows, blankets, or washcloths;

78 (6) Endangers the student's life or significantly
79 exacerbates the student's medical condition;

80 (7) Is purposely designed to inflict pain;

81 (8) Restricts the student from communicating. If an
82 employee physically restrains a student who uses sign
83 language or an augmentative mode of communication as the
84 student's primary mode of communication, the student shall
85 be permitted to have the student's hands free of restraint
86 for brief periods unless an employee determines that such
87 freedom appears likely to result in harm to self or others.

88 [2.] 4. (1) By July 1, 2011, the local board of
89 education of each school district shall adopt a written
90 policy that comprehensively addresses the use of restrictive
91 behavioral interventions as a form of discipline or behavior

management technique. The policy shall be consistent with professionally accepted practices and standards of student discipline, behavior management, health and safety, including the safe schools act. The policy shall include but not be limited to:

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

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

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

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

(2) Before July 1, 2022, each written policy adopted under this subsection shall be updated to prohibit the school district, charter school, or publicly contracted private provider from using any restraint that employs any technique listed in subsection 3 of this section.

(3) Before July 1, 2022, each written policy adopted under this subsection shall be updated to state that the school district, charter school, or publicly contracted private provider will reserve restraint or seclusion for

124 situations or conditions in which there is imminent danger
125 of physical harm to self or others.

126 5. Before July 1, 2022, each school district, charter
127 school, and publicly contracted private provider shall
128 ensure that the policy adopted under subsection 4 of this
129 section requires the following:

130 (1) Any student placed in seclusion or restraint shall
131 be removed from such seclusion or restraint as soon as the
132 school district, charter school, or publicly contracted
133 private provider determines that the student is no longer an
134 imminent danger of physical harm to self or others;

135 (2) All school district, charter school, and publicly
136 contracted private provider personnel shall annually review
137 the policy and procedures involving the use of seclusion and
138 restraint. Personnel who use seclusion or restraint shall
139 annually complete mandatory training in the specific
140 seclusion and restraint techniques the school district,
141 charter school, or publicly contracted private provider uses
142 under this section;

143 (3) (a) Each time seclusion or restraint is used for
144 a student, the incident shall be monitored by a member of
145 the school district, charter school, or publicly contracted
146 private provider personnel, and a report shall be completed
147 by the school district, charter school, or publicly
148 contracted private provider that contains, at a minimum, the
149 following:

150 a. The date, time of day, location, duration, and
151 description of the incident and interventions;

152 b. Any event leading to the incident and the reason
153 for using seclusion or restraint;

154 c. A description of the methods of seclusion or
155 restraint used;

156 d. The nature and extent of any injury to the student;

157 e. The names, roles, and certifications of each
158 employee involved in the use of seclusion or restraint;

159 f. The name, role, and signature of the person who
160 prepared the report;

161 g. The name of an employee whom the parent or guardian
162 can contact regarding the incident and use of seclusion or
163 restraint;

164 h. The name of an employee to contact if the parent or
165 guardian wishes to file a complaint; and

166 i. A statement directing parents and legal guardians
167 to a sociological, emotional, or behavioral support
168 organization and a hotline number to report child abuse and
169 neglect.

170 (b) The school district, charter school, or publicly
171 contracted private provider shall maintain the report as an
172 education record of the student, provide a copy to the
173 parent or legal guardian within five school days, and a copy
174 of each incident report shall be given to the department of
175 elementary and secondary education within thirty days of the
176 incident;

177 (4) The school district, charter school, or publicly
178 contracted private provider shall attempt to notify the
179 parents or legal guardians as soon as possible but no later
180 than one hour after the end of the school day on which the
181 use of seclusion or restraint occurred. Notification shall
182 be oral or electronic and shall include a statement
183 indicating that the school district, charter school, or
184 publicly contracted private provider will provide the
185 parents or legal guardians a copy of the report described in
186 subdivision (3) of this subsection within five school days;

187 (5) An officer, administrator, or employee of a public
188 school district or charter school shall not retaliate
189 against any person for having:

190 (a) Reported a violation of any policy established
191 under this section or failure of a district or charter
192 school to follow any provisions of this section in relation
193 to incidents of seclusion and restraint; or

194 (b) Provided information regarding a violation of this
195 section by a public school district or charter school or a
196 member of the staff of the public school district or charter
197 school.

198 6. The department of elementary and secondary
199 education shall compile and maintain all incidents reported
200 under this section in the department's core data system and
201 make such data available on the Missouri comprehensive data
202 system. No personally identifiable data shall be accessible
203 on the database.

204 [3.] 7. The department of elementary and secondary
205 education shall, in cooperation with appropriate
206 associations, organizations, agencies and individuals with
207 specialized expertise in behavior management, develop a
208 model policy that satisfies the requirements of subsection 2
209 of this section as it existed on August 28, 2009, by July 1,
210 2010, and shall update such model policy to include the
211 requirements of subdivisions (2) and (3) of subsection 4 and
212 subsection 5 of this section by July 1, 2022."; and

213 Further amend the title and enacting clause accordingly.