

HCS HB 1023 -- BEHAVIORAL INTERVENTIONS

SPONSOR: Mackey

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 13 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 6 to 0.

This bill defines "restraint" and "seclusion" and requires school districts to include in policy a prohibition on the use of restraint or seclusion, for any purpose other than the health and safety of students, teachers, and staff members.

The bill requires that before July 1, 2020 each school district policy shall include reporting requirements for any occurrence of restraint or seclusion as outlined in the bill. The reporting requirements include parental notification, copy of each report given to the Department of Elementary and Secondary Education (DESE), a right to review a report, and file a complaint of dissatisfaction as detailed in bill.

The bill also requires DESE to develop recommendations for data collection and reporting on the use of seclusion or restraint and to present those to the State Board of Education for approval. The provisions of the recommendations shall be in the annual budget presented to the legislature and in updates to the Missouri school improvement program.

PROPONENTS: Supporters say that too often parents are not notified of occurrences of restraint or seclusion happening in the school. These cases tend to be higher among students with individualized learning plans and minorities. Proponents support the bill and hope that by collecting relevant data they can shed light on the alarming rate of incident.

Testifying for the bill were Representative Mackey; Tracy M. Bono; Suzie Lake, Legal Services Of Eastern Missouri; Missouri National Education Association; Ann M. Frey; Shawn D'Abren, Missouri Health Care for All; and Emily Hansen, American Civil Liberties Union.

OPPONENTS: Those who oppose the bill say that the term "seclusion" is too broad and might include acceptable behavior modification techniques. The bill does not require a parent to follow the appropriate process for taking a concern to the school board and opponents are concerned that the data collected will only come from complainers and would not be a true reflection of the number of incidents.

Testifying against the bill was Steven Beldin, Missouri Council of Administration of Special Education.

OTHERS: Others testifying on the bill say that there is no accountability or clear definitions for school districts that use these practices of restraint and seclusion and that this bill will provide a degree of accountability and definitions.

Testifying on the bill were Tom Pirmantgen, Missouri Protection and Advocacy Services; and Katheryne Staeger-Wilson, Missouri Developmental Disabilities Council.