

HCS #2 HB 1568 -- BEHAVIORAL INTERVENTIONS

SPONSOR: Bailey

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 13 to 0. Voted "Return to the Committee of Origin" by the Standing Committee on Rules- Administrative Oversight by a vote of 8 to 0. Voted "Do Pass with HCS #2" by the Standing Committee on Elementary and Secondary Education by a vote of 8 to 0.

The following is a summary of the House Committee Substitute #2 for HB 1568.

This bill defines "restraint" and "seclusion" and requires school districts, charter schools, or publicly contracted private providers to include in policy a prohibition on the use of restraint and seclusion, for any purpose other than situations or conditions in which there is imminent danger of physical harm to self or others. Any incident requiring restraint or seclusion shall be monitored by school personnel with written observation. The bill requires that before July 1, 2021 each school district, and charter school, or publicly contracted private providers policy shall include:

- (1) When to remove a child from restraint, seclusion, or isolation;
- (2) Requirement for annual mandatory training;
- (3) Reporting requirements for any occurrence of restraint, seclusion or isolation as outlined in the bill, including the reporting requirements for 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;
- (5) Annually requires each school district, and charter school, or publicly contracted private provider to review the continued use of restraint, seclusion, or isolation.

The bill requires DESE to compile and maintain all incidents reported under this section in the department's core data system and make such data available on the Missouri comprehensive data system.

This bill is similar to HB 1023 (2019) and HB 1569 (2020).

The following is a summary of the public testimony from the

committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that schools should not be using restraint, seclusion, or isolation except for in scenarios where student or staff health or wellbeing is in jeopardy. Supporters pointed out that despite current statute there are still bad actors that need stricter consequences and standardized procedures for any incident or seclusion, isolation, or restraint. Supporters mentioned training for alternatives to seclusion, isolation, or restraint and pointed out that the Division of Youth Services allows for peer led restraint.

Testifying for the bill were Representative Bailey; Phyllis Wolfram, Missouri Council of Administrators of Special Education; Laquesha Jackson; Dr. Cheri Fortney, St. Clair R-13 School District/ Missouri Council of Administration For Special Education; Ryphath Knopp; Rebecca Wilkinson; American Civil Liberties Union of Missouri; Missouri Chapter, American Academy of Pediatrics; James Mclaurin; Shawan Daniels; Missouri State Medical Association; Dr. Art McCoy, Jennings School District; Robyn Schep, Missouri Disability, Empowerment; Lara Wakefield; Traci Wilson-Kleekamp, Race Matters Friends; Virginia Allsman; and Aaron O'Neil, Specialized Education Services Incorporated.

OPPONENTS: Those who oppose the bill say that policy issues should be left up to local school boards and that the Special School District in Saint Louis county already complies with requirements regarding notification, right to file complaint, and the definitions in the bill.

Testifying against the bill was Bill Gamble, Special Education.