

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill Nos. 1141 & 1067, Page 1, Section A, Line 2,
2 by inserting after all of said section and line the following:

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

5 (1) "Mechanical restraint", the use of any device or equipment to restrict a student's freedom
6 of movement. "Mechanical restraint" shall not include devices implemented by trained personnel or
7 used by a student with a prescription for such devices from an appropriate medical or related
8 services professional and that are used for specific and approved purposes for which such devices
9 were designed, such as the following:

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

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

15 (c) Restraints for medical immobilization; or

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

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

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

23 (b) Comforting or calming a student;

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

25 (d) Intervening in a fight; or

26 (e) Using an assistive or protective device prescribed by an appropriately trained
27 professional or professional team;

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

30 (4) "Restraint" includes, but is not limited to, mechanical restraint, physical restraint, and
31 prone restraint;

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

35 (a) A timeout, which is a behavior management technique that is part of an approved
36 program, involves the monitored separation of the student in a nonlocked setting, and is

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1 implemented for the purpose of calming;

2 (b) In-school suspension;

3 (c) Detention; or

4 (d) Other appropriate disciplinary measures.

5 2. The school discipline policy under section 160.261 shall ~~[prohibit]~~ reserve confining a
 6 student in ~~[an unattended, locked space except for an emergency situation while awaiting the arrival~~
 7 ~~of law enforcement personnel]~~ seclusion for situations or conditions in which there is imminent
 8 danger of physical harm to self or others.

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

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

13 (2) Obstructs the student's respiratory airway, impairs the student's breathing or respiratory
 14 capacity, or restricts the movement required for normal breathing to cause positional or postural
 15 asphyxia;

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

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

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

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

23 (7) Is purposely designed to inflict pain;

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

29 ~~[2-]~~ 4. (1) By July 1, 2011, the local board of education of each school district shall adopt a
 30 written policy that comprehensively addresses the use of restrictive behavioral interventions as a
 31 form of discipline or behavior management technique. The policy shall be consistent with
 32 professionally accepted practices and standards of student discipline, behavior management, health
 33 and safety, including the safe schools act. The policy shall include but not be limited to:

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

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

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

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

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

49 (3) Before July 1, 2022, each written policy adopted under this subsection shall be updated

1 to state that the school district, charter school, or publicly contracted private provider will reserve
 2 restraint or seclusion for situations or conditions in which there is imminent danger of physical harm
 3 to self or others.

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

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

10 (2) All school district, charter school, and publicly contracted private provider personnel
 11 shall annually review the policy and procedures involving the use of seclusion and restraint.
 12 Personnel who use seclusion or restraint shall annually complete mandatory training in the specific
 13 seclusion and restraint techniques the school district, charter school, or publicly contracted private
 14 provider uses under this section;

15 (3) (a) Each time seclusion or restraint is used for a student, the incident shall be monitored
 16 by a member of the school district, charter school, or publicly contracted private provider personnel,
 17 and a report shall be completed by the school district, charter school, or publicly contracted private
 18 provider that contains, at a minimum, the following:

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

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

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

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

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

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

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

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

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

32 (b) The school district, charter school, or publicly contracted private provider shall maintain
 33 the report as an education record of the student, provide a copy to the parent or legal guardian within
 34 five school days, and a copy of each incident report shall be given to the department of elementary
 35 and secondary education within thirty days of the incident;

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

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

44 (a) Reported a violation of any policy established under this section or failure of a district or
 45 charter school to follow any provisions of this section in relation to incidents of seclusion and
 46 restraint; or

47 (b) Provided information regarding a violation of this section by a public school district or
 48 charter school or a member of the staff of the public school district or charter school.

49 6. The department of elementary and secondary education shall compile and maintain all

1 incidents reported under this section in the department's core data system and make such data
2 available on the Missouri comprehensive data system. No personally identifiable data shall be
3 accessible on the database.

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

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.