

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1617, Page 1, Section A, Line 2, by inserting after all of said section and
2 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;

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

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

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

9 (b) In-school suspension;

10 (c) Detention; or

11 (d) Other appropriate disciplinary measures.

12 2. ~~[The school discipline policy under section 160.261 shall reserve confining a student in~~
13 ~~seclusion for situations or conditions in which there is imminent danger of physical harm to self or~~
14 ~~others.~~

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

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

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

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

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

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

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

29 (7) Is purposely designed to inflict pain;

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

35 [4.] 3. (1) By July 1, 2011, the local board of education of each school district shall adopt a
36 written policy that comprehensively addresses the use of restrictive behavioral interventions as a
37 form of discipline or behavior management technique. The policy shall be consistent with
38 professionally accepted practices and standards of student discipline, behavior management, health
39 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
 2 describe the continuum of restrictive behavioral interventions available for use or prohibited in the
 3 district, consistent with the provisions of this section;

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

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

11 (d) Documentation, notice and permission requirements associated with use of a restrictive
 12 behavioral intervention.

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

16 (3) Before July 1, 2022, each written policy adopted under this subsection shall be updated
 17 to state that the school district, charter school, or publicly contracted private provider will reserve
 18 restraint or seclusion for situations or conditions in which there is imminent danger of physical harm
 19 to self or others.

20 ~~[5.]~~ 4. Before July 1, 2022, each school district, charter school, and publicly contracted
 21 private provider shall ensure that the policy adopted under subsection 4 of this section requires the
 22 following:

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

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

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

- 35 a. The date, time of day, location, duration, and description of the incident and interventions;
- 36 b. Any event leading to the incident and the reason for using seclusion or restraint;
- 37 c. A description of the methods of seclusion or restraint used;
- 38 d. The nature and extent of any injury to the student;

- 1 e. The names, roles, and certifications of each employee involved in the use of seclusion or
2 restraint;
- 3 f. The name, role, and signature of the person who prepared the report;
- 4 g. The name of an employee whom the parent or guardian can contact regarding the incident
5 and use of seclusion or restraint;
- 6 h. The name of an employee to contact if the parent or guardian wishes to file a complaint;
7 and
- 8 i. A statement directing parents and legal guardians to a sociological, emotional, or
9 behavioral support organization and a hotline number to report child abuse and neglect.

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

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

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

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

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

27 [6:] 5. The department of elementary and secondary education shall compile and maintain
28 all incidents reported under this section in the department's core data system and make such data
29 available on the Missouri comprehensive data system. No personally identifiable data shall be
30 accessible on the database.

31 6. For the 2025-26 school year and all subsequent school years:

32 (1) No school district, charter school, or publicly contracted private provider shall use
33 seclusion on any student; and

34 (2) Each local board of education and charter school governing board shall update the
35 district's and the charter school's policy to incorporate the definition of seclusion as provided in this
36 section and to prohibit the school district, charter school, or a publicly contracted private provider
37 from using seclusion on any student.

1 7. The department of elementary and secondary education shall, in cooperation with
2 appropriate associations, organizations, agencies and individuals with specialized expertise in
3 behavior management~~[5]~~;

4 (1) Develop a model policy that satisfies the requirements of subsection 2 of this section as
5 it existed on August 28, 2009, by July 1, 2010, and shall update such model policy to include the
6 requirements of subdivisions (2) and (3) of subsection 4 and subsection 5 of this section by July 1,
7 2022; and

8 (2) For the 2025-26 school year and all subsequent school years, update the model policy to
9 incorporate the definition of seclusion as provided in this section and to prohibit the use of seclusion
10 on a student as described in subsection 6 of this section."; and

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