

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 581, Page 2, Section 67.139, Line 23, by
2 inserting after all of said line the following:

3
4 "160.263. 1. For purposes of this section, the following terms mean:

5 (1) "Restraint", the use of physical force, with or without the use of any physical device or
6 material, to restrict the free movement of all or a portion of a student's body. The term "restraint"
7 shall not include comforting or calming a student, holding the hand or arm of a student to escort the
8 student if the student is complying, intervening in a fight, or using an assistive or protective device
9 prescribed by an appropriately trained professional or professional team;

10 (2) "Seclusion", removing a student from a classroom or other school activity and isolating
11 the student in a separate area. The term "seclusion" shall not include a student-requested break or an
12 in-school suspension, detention, or other appropriate disciplinary measure.

13 2. The school discipline policy under section 160.261 shall prohibit confining a student in
14 an unattended, locked space except for an emergency situation while awaiting the arrival of law
15 enforcement personnel.

16 ~~[2-]~~ 3. By July 1, 2011, the local board of education of each school district and the
17 governing board of each charter school shall adopt a written policy that comprehensively addresses
18 the use of restrictive behavioral interventions as a form of discipline or behavior management
19 technique. The policy shall be consistent with professionally accepted practices and standards of
20 student discipline, behavior management, health and safety, including the safe schools act. The
21 policy shall prohibit the use of seclusion or restraint for any purpose other than to promote the
22 health and safety of students, teachers, and staff members. The policy shall include but not be
23 limited to:

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

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

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

34 (4) Documentation, notice and permission requirements associated with use of a restrictive
35 behavioral intervention.

36 ~~[3-]~~ 4. Before July 1, 2020, each school district and charter school shall ensure that the

Action Taken _____ Date _____

1 policy adopted under subsection 3 of this section requires the following:

2 (1) Each time seclusion or restraint is used for a student, every individual other than a
 3 student who was involved or witnessed such use, including any law enforcement personnel working
 4 with the school district or charter school, shall complete a report on the details of the use of
 5 seclusion or restraint for the student. The report shall state the reason for the use of seclusion or
 6 restraint and describe the methods of seclusion or restraint used;

7 (2) The school district or charter school shall notify the parents or legal guardians of the use
 8 of seclusion or restraint for their child within twenty-four hours of such use. The notice shall be
 9 signed by the parents or legal guardians and returned to the school district or charter school. The
 10 notice shall advise the parents or legal guardians of their right to:

11 (a) Review the report or reports as described under subdivision (3) of this subsection;

12 (b) File a complaint with the board of education of the school district or governing board of
 13 each charter school as described under subdivision (4) of this subsection; and

14 (c) File a written appeal with the department of elementary and secondary education as
 15 described under subdivision (6) of this subsection;

16 (3) The school district or charter school shall allow the parents or legal guardians to
 17 review the report or reports required under subdivision (1) of this subsection regarding their child;

18 (4) The parents or legal guardians may file a complaint with the board of education of the
 19 school district or governing board of the charter school regarding any use of seclusion or restraint
 20 for their child;

21 (5) The board of education of the school district and the governing board of each charter
 22 school shall hold a hearing on any complaint filed under subdivision (4) of this subsection to allow
 23 the parents or legal guardians to describe their dissatisfaction with the manner in which the incident
 24 was handled or reported. The board of education of the school district and the governing board of
 25 each charter school shall not be required to take any action on the complaint unless otherwise
 26 required by law;

27 (6) The parents or legal guardians may file a written appeal with the department of
 28 elementary and secondary education after the hearing is held under subdivision (5) of this
 29 subsection; and

30 (7) In response to a written appeal, the department of elementary and secondary education
 31 may issue a report finding the claims of the parents or legal guardians substantiated or
 32 unsubstantiated. The department of elementary and secondary education shall not be required to
 33 take any action in response to a written appeal unless otherwise required by law.

34 5. The department of elementary and secondary education shall, in cooperation with
 35 appropriate associations, organizations, agencies and individuals with specialized expertise in
 36 behavior management, develop a model policy that satisfies the requirements of [subsection 2]
 37 subsections 3 and 4 of this section by July 1, [2010] 2020.

38 6. The department of elementary and secondary education shall promulgate any rules
 39 necessary to implement or enforce the provisions of this section. Any rule or portion of a rule, as
 40 that term is defined in section 536.010, that is created under the authority delegated in this section
 41 shall become effective only if it complies with and is subject to all of the provisions of chapter 536
 42 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
 43 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
 44 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
 45 rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and
 46 void."; and

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 48 Further amend said bill by amending the title, enacting clause, and intersectional references
 49 accordingly.