AN ACT

To repeal section 160.263, RSMo, and to enact in lieu thereof one new section relating to school district policies on restrictive behavioral interventions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 160.263, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.263, to read as follows:

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

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

2. (2) "Seclusion", the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. "Seclusion" shall not include a student-requested or adult-accompanied break from the classroom; in-school suspension, detention, or other appropriate disciplinary measure; or the provisions of a Behavior Intervention Plan (BIP) of a current Individualized Education Program (IEP), a Section 504 Plan, or an intervention plan developed in accordance with the principles of positive behavior intervention and support.

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
The local board of education of each school district shall adopt a written policy that comprehensively addresses the use of restrictive behavioral interventions as a form of discipline or behavior management technique. The policy shall be consistent with professionally accepted practices and standards of student discipline, behavior management, health and safety, including the safe schools act. The policy shall include but not be limited to:

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

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

- Specific implementation requirements associated with a restrictive behavioral intervention such as time limits, facility specifications, training requirements or supervision requirements; and

- Documentation, notice and permission requirements associated with use of a restrictive behavioral intervention.

By July 1, 2021, each written policy adopted under this subsection shall be updated to include a prohibition on the use of seclusion or restraint for any purpose other than to promote the health and safety of students, teachers, and staff members.

Before July 1, 2021, each school district shall ensure that the policy adopted under subsection 3 of this section requires the following:

1. Each time seclusion or restraint is used for a student, every individual other than a student who was involved or witnessed such use, including any law enforcement personnel working with the school district, shall complete a report on the details of the use of seclusion or restraint for the student. The report shall state the reason for the use of seclusion or restraint and describe the methods of seclusion or restraint used. A copy of each incident report shall be given to the department of elementary and secondary education within thirty days of the incident;

2. The school district shall notify the parents or legal guardians of the use of seclusion or restraint for their child within twenty-four hours of such use. The notification shall include a description of the incident. Each notification shall include language informing the parents or legal guardians of their right to request a meeting to review the incident with the staff involved and the school administrator. The notification shall be accompanied by a plain-language description of the school district's complaint procedures,
including contact information for designated staff members in the complaint process, and
language stating the right of the parents or legal guardians to file a child complaint with
the department of elementary and secondary education under subdivision (4) of this
subsection. If applicable to the student, the notification shall also contain the relevant
provisions of the Individuals with Disabilities Education Act (IDEA) or the relevant
provisions of Section 504 due process rights and procedures;

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

(4) The parents or legal guardians may file a child complaint with the department
of elementary and secondary education regarding any use of seclusion or restraint for their
child.

5. The department of elementary and secondary education shall, in cooperation with
appropriate associations, organizations, agencies, and individuals with specialized expertise in
behavior management, develop a model policy that satisfies the requirements of subsection 2 of
this section as it existed on August 28, 2009, by July 1, 2010, and shall update such model
policy to include the requirements of subdivision (2) of subsection 3 and subsection 4 of this
section by July 1, 2021.

6. The department of elementary and secondary education shall develop
recommendations for data collection and reporting regarding the use of seclusion or
restraint in Missouri school districts and charter schools to present to the state board of
education. Once approved by the state board of education, the provisions of these
recommendations shall be addressed in the annual recommended budget presented to the
legislature and in updates of the Missouri school improvement program.