

HB 387 -- BEHAVIORAL INTERVENTIONS

SPONSOR: Bailey

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Elementary and Secondary Education by a vote of 14 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 0 with 1 voting present.

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, including "prone restraint" as defined by the bill, 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, 2022 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 and providing a copy of each report to the Department of Elementary and Secondary Education (DESE);
- (4) Notification requirement for each occurrence of a restraint, seclusion, or isolation incident to parents or guardians within one hour after the end of school on the day the incident occurs.
- (5) Protections for individuals that report or provide information about violations of policy under this section.

This bill is similar to HB 1568 (2020).

PROPOSERS: Supporters say that this bill is much needed and that seclusion and restraint techniques often cause trauma. Most districts properly use techniques and this bill will help ensure that all will be required to implement better policy. Supporters indicate that 30 other states have similar policies and that research indicates that the practice of seclusion and restraint do not improve a student's academic performance or behavior.

Testifying for the bill were Representative Bailey; Cynthia Ramsey; E. Briana Conley, Paraquad; Elizabeth Scholle; Missouri Kidsfirst; Amy Gott; Kids Win Missouri; Robyn T Schelp, Missouri Disability Empowerment; Michelle Ribaud; Kendall Martinez-Wright; Mo Del Villar, American Civil Liberties Union of Missouri; Arnie Dienoff; Missouri Chapter, American Academy of Pediatrics; and the Missouri State Medical Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say while there is no federal or Missouri law explicitly regulating a behavioral intervention, the inappropriate use of seclusion and restraint is associated with negative health and behavioral outcomes and impacts students with disabilities and minorities disproportionately.

Testifying on the bill was Brittany Whitley, Missouri Science And Technology (Most) Policy Initiative.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.