

SECOND REGULAR SESSION

# HOUSE BILL NO. 1569

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MACKEY.

3405H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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*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Section A. Section 160.263, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.263, to read as follows: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. **For purposes of this section, the following terms mean:**

(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. The term "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) **"Seclusion", the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. The term "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.

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

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

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

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

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

37 [3-] 4. **Before July 1, 2021, each school district shall ensure that the policy adopted  
38 under subsection 3 of this section requires the following:**

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

46 (2) **The school district shall notify the parents or legal guardians of the use of  
47 seclusion or restraint for their child within twenty-four hours of such use. The notification  
48 shall include a description of the incident. Each notification shall include language  
49 informing the parents or legal guardians of their right to request a meeting to review the  
50 incident with the staff involved and the school administrator. The notification shall be  
51 accompanied by a plain-language description of the school district's complaint procedures,  
52 including contact information for designated staff members in the complaint process, and  
53 including language stating the right of the parents or legal guardians to file a child**

54 **complaint with the department of elementary and secondary education under subdivision**  
55 **(4) of this subsection. If applicable to the student, the notification shall also contain the**  
56 **relevant provisions of the Individuals with Disabilities Education Act (IDEA) or the**  
57 **relevant provisions of Section 504 due process rights and procedures;**

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

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

64 **5. The department of elementary and secondary education shall, in cooperation with**  
65 **appropriate associations, organizations, agencies and individuals with specialized expertise in**  
66 **behavior management, develop a model policy that satisfies the requirements of [subsection 2]**  
67 **subsections 3 and 4 of this section by July 1, [2010] 2021.**

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

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