

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HS/House Bill No. 432, Page 1, Section A, Line 9,

2 by inserting after all of said line the following:

3 "160.263. 1. As used in this section, the following  
4 terms mean:

5 (1) "Mechanical restraint", the use of any device or  
6 equipment to restrict a student's freedom of movement.

7 "Mechanical restraint" shall not include devices implemented  
8 by trained personnel or used by a student with a  
9 prescription for such devices from an appropriate medical or  
10 related services professional and that are used for specific  
11 and approved purposes for which such devices were designed,  
12 such as the following:

13 (a) Adaptive devices or mechanical supports used to  
14 achieve proper body position, balance, or alignment to allow  
15 greater freedom of mobility than would be possible without  
16 the use of such devices or mechanical supports;

17 (b) Vehicle safety restraints when used as intended  
18 during the transport of a student in a moving vehicle;

19 (c) Restraints for medical immobilization; or

20 (d) Orthopedically prescribed devices that permit a  
21 student to participate in activities without risk;

22 (2) "Physical restraint", a personal restriction such  
23 as person-to-person physical contact that immobilizes,  
24 reduces, or restricts the ability of a student to move the  
25 student's torso, arms, legs, or head freely. "Physical  
26 restraint" shall not include:

27 (a) A physical escort, which is a temporary touching  
28 or holding of the hand, wrist, arm, shoulder, or back for  
29 the purpose of inducing a student to walk to a safe location;

30 (b) Comforting or calming a student;

31 (c) Holding a student's hand to transport the student  
32 for safety purposes;

33 (d) Intervening in a fight; or

34 (e) Using an assistive or protective device prescribed  
35 by an appropriately trained professional or professional  
36 team;

37 (3) "Prone restraint", using mechanical or physical  
38 restraint or both to restrict a student's movement while the  
39 student is lying with the student's front or face downward;

40 (4) "Restraint" includes, but is not limited to,  
41 mechanical restraint, physical restraint, and prone  
42 restraint;

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

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

52 (b) In-school suspension;

53 (c) Detention; or

54 (d) Other appropriate disciplinary measures.

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

59 seclusion for situations or conditions in which there is  
60 imminent danger of physical harm to self or others.

61 3. For all school years beginning on or after July 1,  
62 2022, no school district, charter school, or publicly  
63 contracted private provider shall use any mechanical,  
64 physical, or prone restraint technique that:

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

66 (2) Obstructs the student's respiratory airway,  
67 impairs the student's breathing or respiratory capacity, or  
68 restricts the movement required for normal breathing to  
69 cause positional or postural asphyxia;

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

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

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

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

80 (7) Is purposely designed to inflict pain;

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

88 [2.] 4. (1) By July 1, 2011, the local board of  
89 education of each school district shall adopt a written  
90 policy that comprehensively addresses the use of restrictive  
91 behavioral interventions as a form of discipline or behavior

92 management technique. The policy shall be consistent with  
93 professionally accepted practices and standards of student  
94 discipline, behavior management, health and safety,  
95 including the safe schools act. The policy shall include  
96 but not be limited to:

97        [(1)] (a) Definitions of restraint, seclusion, and  
98 time-out and any other terminology necessary to describe the  
99 continuum of restrictive behavioral interventions available  
100 for use or prohibited in the district, consistent with the  
101 provisions of this section;

102        [(2)] (b) Description of circumstances under which a  
103 restrictive behavioral intervention is allowed and  
104 prohibited, consistent with the provisions of this section,  
105 and any unique application requirements for specific groups  
106 of students such as differences based on age, disability, or  
107 environment in which the educational services are provided;

108        [(3)] (c) Specific implementation requirements  
109 associated with a restrictive behavioral intervention such  
110 as time limits, facility specifications, training  
111 requirements or supervision requirements; and

112        [(4)] (d) Documentation, notice and permission  
113 requirements associated with use of a restrictive behavioral  
114 intervention.

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

120        (3) Before July 1, 2022, each written policy adopted  
121 under this subsection shall be updated to state that the  
122 school district, charter school, or publicly contracted  
123 private provider will reserve restraint or seclusion for

124 situations or conditions in which there is imminent danger  
125 of physical harm to self or others.

126 5. Before July 1, 2022, each school district, charter  
127 school, and publicly contracted private provider shall  
128 ensure that the policy adopted under subsection 4 of this  
129 section requires the following:

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

135 (2) All school district, charter school, and publicly  
136 contracted private provider personnel shall annually review  
137 the policy and procedures involving the use of seclusion and  
138 restraint. Personnel who use seclusion or restraint shall  
139 annually complete mandatory training in the specific  
140 seclusion and restraint techniques the school district,  
141 charter school, or publicly contracted private provider uses  
142 under this section;

143 (3) (a) Each time seclusion or restraint is used for  
144 a student, the incident shall be monitored by a member of  
145 the school district, charter school, or publicly contracted  
146 private provider personnel, and a report shall be completed  
147 by the school district, charter school, or publicly  
148 contracted private provider that contains, at a minimum, the  
149 following:

150 a. The date, time of day, location, duration, and  
151 description of the incident and interventions;

152 b. Any event leading to the incident and the reason  
153 for using seclusion or restraint;

154 c. A description of the methods of seclusion or  
155 restraint used;

156 d. The nature and extent of any injury to the student;

157 e. The names, roles, and certifications of each  
158 employee involved in the use of seclusion or restraint;  
159 f. The name, role, and signature of the person who  
160 prepared the report;  
161 g. The name of an employee whom the parent or guardian  
162 can contact regarding the incident and use of seclusion or  
163 restraint;  
164 h. The name of an employee to contact if the parent or  
165 guardian wishes to file a complaint; and  
166 i. A statement directing parents and legal guardians  
167 to a sociological, emotional, or behavioral support  
168 organization and a hotline number to report child abuse and  
169 neglect.

170 (b) The school district, charter school, or publicly  
171 contracted private provider shall maintain the report as an  
172 education record of the student, provide a copy to the  
173 parent or legal guardian within five school days, and a copy  
174 of each incident report shall be given to the department of  
175 elementary and secondary education within thirty days of the  
176 incident;

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

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

190           (a) Reported a violation of any policy established  
191 under this section or failure of a district or charter  
192 school to follow any provisions of this section in relation  
193 to incidents of seclusion and restraint; or

194           (b) Provided information regarding a violation of this  
195 section by a public school district or charter school or a  
196 member of the staff of the public school district or charter  
197 school.

198           6. The department of elementary and secondary  
199 education shall compile and maintain all incidents reported  
200 under this section in the department's core data system and  
201 make such data available on the Missouri comprehensive data  
202 system. No personally identifiable data shall be accessible  
203 on the database.

204           [3.] 7. The department of elementary and secondary  
205 education shall, in cooperation with appropriate  
206 associations, organizations, agencies and individuals with  
207 specialized expertise in behavior management, develop a  
208 model policy that satisfies the requirements of subsection 2  
209 of this section as it existed on August 28, 2009, by July 1,  
210 2010, and shall update such model policy to include the  
211 requirements of subdivisions (2) and (3) of subsection 4 and  
212 subsection 5 of this section by July 1, 2022."; and

213           Further amend the title and enacting clause accordingly.