

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1520

By: Cockroft

AS INTRODUCED

An Act relating to schools; prohibiting school district personnel from using physical restraint on students with disabilities for certain purposes; prohibiting the use of chemical or mechanical restraint; specifying emergency circumstances when physical restraint can be used; requiring school personnel to have certain training; prohibiting the use of certain types of restraints or maneuvers; requiring the presence of a witness; requiring notification of parents or guardians within certain time period; requiring a school building administrator to be informed; providing for the documentation of an incident of physical restraint; specifying contents of the reporting form; requiring documentation be placed in a certain student file; providing for a debriefing meeting; listing persons to be included in the debriefing meeting; defining terms; requiring districts to develop plan related to seclusion; prohibiting seclusion in certain instances; providing elements when seclusion can be used; requiring school personnel to have certain training; requiring continuous monitoring of student in seclusion; requiring the presence of a witness; requiring notification of parents or guardians within certain time frame; requiring school building administrator to be informed; requiring documentation of seclusion event; requiring documentation to be kept in student file; providing for meeting to review an incidence of seclusion; defining terms; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-116 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. School district personnel shall not use physical restraint on students with disabilities for the purposes of discipline, as a punishment, to force compliance, as a convenience for staff or to prevent property damage.

B. School district personnel shall not use chemical or mechanical restraint on students with disabilities.

C. School district personnel may use physical restraint on students with disabilities to manage behavior only under the following emergency circumstances and only if the following elements exist:

1. The actions of the student pose an imminent risk of harm to the student or others;

2. Less restrictive measures appropriate to the behavior exhibited by the student have not effectively de-escalated the risk of injury;

3. The physical restraint lasts only as long as necessary to resolve the risk of danger or harm; and

4. The degree of limitation or restriction of the freedom of movement that is applied does not exceed what is necessary to protect the student or other person from imminent bodily injury.

1 D. Prone restraints or any maneuver that places pressure or  
2 weight on the chest, sternum, lungs, diaphragm, neck, throat or back  
3 shall not be used by school district personnel on students with  
4 disabilities. No restraint that prevents a student from speaking or  
5 breathing shall be allowed.

6 E. School district personnel who use physical restraint on  
7 students with disabilities shall have training in:

- 8 1. Conflict de-escalation;
- 9 2. The crisis cycle and interventions at each stage;
- 10 3. Possible effects of physical restraint;
- 11 4. First aid; and
- 12 5. Cardiopulmonary resuscitation (CPR).

13 F. The training required pursuant to this section shall result  
14 in some form of certification or credential that is recognized by  
15 the State Board of Education, be recurrent with annual updates and  
16 be consistent with nationally recognized training programs. The  
17 training shall also include methods for monitoring the well-being of  
18 a student during and following a restraint.

19 G. At least one witness who is not directly involved in the  
20 physical restraint shall be present while physical restraint is  
21 being used on a student with disabilities.

22 H. When school district personnel use physical restraint on a  
23 student with disabilities, the parent or guardian of the student  
24 shall be notified within twenty-four (24) hours following each

1 incident of a physical restraint and shall be provided a copy of all  
2 documentation.

3 I. A school building administrator shall be informed  
4 immediately of any incident of a physical restraint and, if  
5 unavailable, shall be informed as soon as possible following each  
6 incident.

7 J. Each incident of physical restraint used on a student with  
8 disabilities shall be documented on a form developed by the State  
9 Department of Education and shall include the following information:

10 1. Name of the student;

11 2. Name of the school district personnel involved in the  
12 incident;

13 3. Date of the incident and the time the physical restraint  
14 started and ended;

15 4. Location of the restraint;

16 5. A description of the physical restraint;

17 6. A description of the activity and behavior of the student  
18 immediately preceding the behavior that prompted the use of physical  
19 restraint;

20 7. A description of school district personnel efforts to de-  
21 escalate the situation and alternatives to physical restraint that  
22 were attempted; and

23 8. Information documenting parent or guardian and administrator  
24 notification and contact.

1 K. A copy of the documentation required in subsection J of this  
2 section shall be placed in the confidential file of the student and  
3 provided to the parent or guardian of the student.

4 L. A documented debriefing meeting shall occur within one (1)  
5 week following each physical restraint incident and prior to any  
6 extended breaks from school. The debriefing meeting shall include  
7 all individuals involved in the incident, a school building  
8 administrator, the parents or guardians of the student with a  
9 disability, the student if the student is able to participate and  
10 the witness who was not directly involved in the physical restraint  
11 as required in subsection G of this section. The debriefing meeting  
12 shall focus on alternatives to physical restraint and how to avoid  
13 future use of physical restraint, including antecedent events that  
14 led to the use of the physical restraint.

15 M. As used in this section:

16 1. "Chemical restraint" means a drug or medication used to  
17 control behavior or restrict freedom of movement that is not  
18 prescribed by a licensed physician for standard treatment of a  
19 medical condition of a student and administered for that purpose as  
20 prescribed;

21 2. "Imminent risk of harm" means the immediate and impending  
22 threat of a student causing serious bodily injury to self or others;

23 3. "Mechanical restraint" means the use of devices as a means  
24 of restricting the freedom of movement of a student;

1        4. "Physical restraint" means any method of one or more persons  
2 limiting or restricting a student's freedom of movement, physical  
3 activity or normal access to the body. It is a means for managing  
4 the movement of a student, reconstituting behavioral management and  
5 establishing and maintaining safety for the student, other students  
6 and staff; and

7        5. "Prone restraints" means any restraints that position a  
8 student face down on the stomach or face up on the back.

9        SECTION 2.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 13-117 of Title 70, unless there  
11 is created a duplication in numbering, reads as follows:

12        A. If a student with disabilities has a history of dangerous  
13 behavior for which seclusion was considered or used, the school  
14 district shall have a plan for:

- 15            1. Teaching and supporting more appropriate behavior; and  
16            2. Determining positive methods to prevent behavioral  
17 escalations that have previously resulted in the use of seclusion.

18        B. School district personnel shall not use seclusion on  
19 students with disabilities for the purposes of discipline, as a  
20 punishment, to force compliance, to prevent property damage or as a  
21 convenience for staff.

22        C. School district personnel may use seclusion on students with  
23 disabilities to manage behavior only under the following emergency  
24 circumstances and only if the following elements exist:

1        1. The actions of the student pose an imminent risk of harm to  
2 the student or others;

3        2. Positive behavior intervention strategies and less  
4 restrictive measures appropriate to the behavior exhibited by the  
5 student and specified in the individualized education program (IEP)  
6 or the Behavior Intervention Plan (BIP) for the student were  
7 implemented but did not de-escalate the risk of danger or harm; and

8        3. The seclusion lasts only as long as necessary to resolve the  
9 risk of danger or harm or while waiting for the arrival of law  
10 enforcement or crisis intervention personnel in cases where the  
11 student had possessed a weapon or committed a crime.

12        D. School district personnel who use seclusion procedures on  
13 students with disabilities shall have training in:

- 14        1. Conflict de-escalation;
- 15        2. The crisis cycle and interventions at each stage;
- 16        3. Possible effects of seclusion;
- 17        4. Appropriate use of seclusion rooms;
- 18        5. Cardiopulmonary resuscitation (CPR) and first aid; and
- 19        6. Methods of monitoring the well-being of the student.

20        E. The training required pursuant to this section shall result  
21 in some form of certification or credential that is recognized by  
22 the State Board of Education, be recurrent with annual updates and  
23 be consistent with nationally recognized training programs.

1 F. Any student with disabilities who is placed in seclusion  
2 based upon the criteria as established in this section shall be  
3 continuously monitored visually and aurally by a school employee.

4 While in seclusion:

5 1. The student shall be allowed to go to the restroom upon  
6 request;

7 2. The student shall be permitted water to drink upon request;  
8 and

9 3. If the student displays any signs of medical distress,  
10 immediate action shall be taken.

11 G. At least one witness who is not directly involved in the  
12 seclusion shall be present while a student with disabilities is in  
13 seclusion.

14 H. When school district personnel use seclusion on a student  
15 with disabilities, the parent or guardian of the student shall be  
16 notified within twenty-four (24) hours following each incident of  
17 seclusion and shall be provided a copy of all documentation.

18 I. A school building administrator shall be informed  
19 immediately of any incident of seclusion and, if unavailable, shall  
20 be informed as soon as possible following each incident.

21 J. Each incident of seclusion on a student with disabilities  
22 shall be documented on a form developed by the State Department of  
23 Education.

1 K. A copy of the documentation required in subsection J of this  
2 section shall be placed in the confidential file of the student and  
3 provided to the parent or guardian of the student.

4 L. An IEP meeting to review the BIP and placement of the  
5 student with disabilities may occur following any incident of  
6 seclusion.

7 M. As used in this section:

8 1. "Imminent risk of harm" means the immediate and impending  
9 threat of a student causing serious bodily injury to self or others;

10 2. "Seclusion" means the involuntary confinement of a student  
11 alone in a room or area from which the student is physically  
12 prevented from leaving. Seclusion shall not include timeouts, which  
13 is a behavior management technique implemented for the purpose of  
14 calming and redirecting; and

15 3. "Seclusion room" means a room or other confined area in  
16 which a student is placed in isolation from other persons and from  
17 which the student is prevented from leaving. A seclusion room shall  
18 meet the following criteria:

19 a. is of an adequate size to allow the student to sit or  
20 lie down,

21 b. has adequate lighting,

22 c. is equipped with heating, cooling, ventilation and  
23 lighting systems that are comparable to those in other  
24

rooms throughout the building in which the seclusion room is located,

d. is free of any objects that pose a potential risk of harm to the student,

e. is equipped with a door lock that automatically disengages in case of an emergency such as a fire or severe weather, and

f. allows for continuous visual and auditory monitoring of the student.

SECTION 3. This act shall become effective July 1, 2017.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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