

HOUSE BILL NO. 210

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MILLETT AND AUSTERMAN, Gara, Foster

Introduced: 1/21/14

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the administration of psychiatric medication to a student; relating to**
2 **crisis intervention training for school personnel; and relating to restraint, escort, and**
3 **seclusion of students in public and private schools."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 14.30 is amended by adding a new section to read:

6 **Sec. 14.30.175. Administration of psychiatric medication.** (a) An employee
7 of a school may administer psychiatric medication to a student only if the medication
8 is administered

9 (1) as prescribed by a health care professional;

10 (2) by a person who is

11 (A) a licensed health care professional acting within the health
12 care professional's scope of practice; or

13 (B) acting under a delegation from a licensed nurse authorized
14 by regulations adopted by the Board of Nursing; and

1 (3) with the permission of the student's parent or legal guardian.

2 (b) In this section, "psychiatric medication" means a drug prescribed for the
3 treatment of a mental or behavioral health condition.

4 * **Sec. 2.** AS 14.33.120(a) is amended to read:

5 (a) Each governing body shall adopt a written school disciplinary and safety
6 program. The program required under this subsection must **be made available to**
7 **students, parents, and the public and** include written

8 (1) standards for student behavior and safety that reflect community
9 standards and that include, at a minimum, basic requirements for respect and honesty;
10 standards required under this paragraph must be developed and periodically reviewed
11 with the collaboration of members of each school, parents, teachers, and other persons
12 responsible for the students at a school; a governing body may require that standards
13 developed under this paragraph be consistent for all schools in an attendance area or
14 the district;

15 (2) standards relating to when a teacher is authorized to remove a
16 student from the classroom for

17 (A) failure to follow student behavior and safety standards; or

18 (B) behavior described under AS 14.30.045(1) or (2);

19 (3) procedures for notifying teachers of dangerous students consistent
20 with AS 47.12.310(b);

21 (4) standards relating to when a teacher, teacher's assistant, or other
22 person responsible for students is authorized to use reasonable and appropriate force to
23 maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

24 (5) policies necessary to comply with provisions of state and federal
25 law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

26 (6) standards to address needs of students for whom mental health or
27 substance abuse may be a contributing factor to noncompliance with the school
28 disciplinary and safety program;

29 (7) policies for implementing a student conflict resolution strategy,
30 including the nonviolent resolution or mediation of conflicts and procedures for
31 reporting and resolving conflicts;

(8) procedures for periodic review and revision of the school disciplinary and safety program;

(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

* **Sec. 3.** AS 14.33.120(b) is repealed and reenacted to read:

(b) A school shall, not later than 24 hours after the incident, report to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by a student that resulted in restraint or seclusion of a student by school personnel.

* **Sec. 4.** AS 14.33 is amended by adding new sections to read:

Sec. 14.33.125. Student restraint, escort, or seclusion; limitations. (a) A public or private school disciplinary and safety program must

(1) prohibit restraint or seclusion of a student except as provided in (b) of this section;

(2) be annually reviewed with school personnel;

(3) include a written report of each incident that is maintained in the student's record as described in (d) of this section; and

(4) include a review of each incident in which restraint or seclusion is used as provided in (e) of this section.

(b) A teacher, teacher's assistant, or other person responsible for students may physically restrain, physically escort, or seclude a student only if

(1) the student's behavior poses an imminent danger of physical injury to the student or another person;

(2) less restrictive interventions would be ineffective to stop the imminent danger to the student or another person;

(3) the person continuously monitors the student in face-to-face contact or, if face-to-face contact is unsafe, by continuous direct visual contact with the student;

(4) the person has received training in crisis intervention and de-escalation and restraint techniques that has been approved by the department under AS 14.33.127, unless a trained person is not immediately available and the

1 circumstances are rare and present an unavoidable and unforeseen emergency; and

2 (5) the restraint or seclusion is discontinued immediately when the
3 student no longer poses an imminent danger of physical injury to the student or
4 another person or when a less restrictive intervention is effective to stop the danger of
5 physical injury.

6 (c) A teacher, teacher's assistant, or other person responsible for students may
7 not

8 (1) use chemical restraint that is not administered under AS 14.30.175;

9 (2) use mechanical restraint;

10 (3) physically escort or physically restrain a student in a manner that
11 restricts the student's breathing; or

12 (4) physically restrain a student by placing the student on the student's
13 back or stomach.

14 (d) School personnel who restrain or seclude a student shall provide a written
15 report of the incident to the school administrator. A school shall provide a copy of the
16 report to the student's parents or legal guardians on request. The report must include

17 (1) the date and time of the incident;

18 (2) the names and job titles of school personnel who participated in or
19 supervised the incident;

20 (3) a description of the activity that preceded the incident, including
21 efforts and strategies used with the student before the incident;

22 (4) a description of the incident, including the type and duration of the
23 intervention used;

24 (5) a description of how the incident ended, including any further
25 action taken.

26 (e) A school district shall ensure that a review process is established and
27 conducted for each incident that involves restraint or seclusion of a student. The
28 review must include

29 (1) staff review of the incident;

30 (2) follow-up communication with the student and the student's parent
31 or legal guardian;

1 (3) review of and recommendations for adjusting or amending
2 procedures, strategies, accommodations, individualized education plans, or other
3 student behavior plans, or for additional staff training.

4 (f) Each school district shall annually report to the department the total
5 number of incidents involving the restraint or seclusion of a student. The report must
6 specify

7 (1) the number of incidents that resulted in injury or death of students
8 or personnel;

9 (2) the number of incidents in which school personnel involved in the
10 restraint or seclusion were not trained in an approved crisis intervention training
11 program as described in AS 14.33.127(b); and

12 (3) the number of incidents involving the restraint or seclusion of a
13 child with a disability under AS 14.30.350; the report must also include the category
14 of the disability of the child involved in each incident.

15 (g) In this section,

16 (1) "chemical restraint" means controlling a student's behavior or
17 restricting a student's freedom of movement by the use of a drug or medication;

18 (2) "mechanical restraint" means the use of a device that is not a
19 medical device or protective equipment prescribed by a qualified health care
20 professional to restrict a student's freedom of movement;

21 (3) "physically escort" or "physical escort" means temporarily
22 touching or holding the hand, wrist, arm, shoulder, or back for the purpose of guiding
23 the movement of a student from one location to another;

24 (4) "physically restrain" or "physical restraint" means a personal
25 restriction that immobilizes or reduces the ability of a student to move the student's
26 arms, legs, or head freely;

27 (5) "restraint" means physical restraint, chemical restraint, mechanical
28 restraint, or other aversive behavioral interventions that compromise health and safety;

29 (6) "seclusion" means the involuntary confinement of a student in a
30 room or area that the student is prevented from leaving; "seclusion" does not include a
31 classroom timeout, supervised detention, or suspension from school under

1 AS 14.30.045.

2 **Sec. 14.33.127. Crisis intervention training.** (a) The department shall
3 approve crisis intervention training programs for schools, which shall include training
4 in

5 (1) evidenced-based techniques that have been shown to be effective in
6 the prevention of restraint and seclusion of students;

7 (2) evidence-based techniques shown to be effective in keeping school
8 personnel and students safe when imposing physical restraint or seclusion of students;

9 (3) evidence-based skills related to positive behavior supports, safe
10 physical escort, conflict prevention, understanding antecedents, de-escalation, and
11 conflict management;

12 (4) first aid and cardiopulmonary resuscitation; and

13 (5) applicable policies and procedures.

14 (b) The governing body of a school shall ensure that a sufficient number of
15 school employees receives periodic training in an approved crisis intervention
16 program to meet the needs of the school population.

17 (c) In this section,

18 (1) "physical escort" has the meaning given in AS 14.33.125;

19 (2) "restraint" has the meaning given in AS 14.33.125;

20 (3) "seclusion" has the meaning given in AS 14.33.125.