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District 24

Sectional Analysis-House Bill 210/Version I

Sec 1: Would amend AS 14.30 by adding a new section, 14.30.175 that allows the administration of psychiatric medication to a student by an employee of a school under the following conditions: the medication must be administered as it is prescribed, the employee must be either a licensed health care practitioner acting within their professional scope of practice.

If there is not an employee who is a licensed health care professional available, then either an employee delegated by a licensed nurse who is authorized by regulations adopted by the Board of Nursing, or employees trained by a licensed health care professional and acting pursuant to a health plan for a student adopted in consultation with the school administrator and the student's parents may administer the medication. Section 1 defines a health care professional for the purposes of this section as a physician, nurse practitioner, or physician's assistant, and defines psychiatric medication as a drug prescribed by aforementioned health care professional for the treatment of a mental or behavioral health condition.

Sec 2: Would amend AS 14.33.120 (a), the requirement for school districts to have a written school disciplinary and safety program, by requiring that it be made available to students, parents and the public. Section 2 also adds a new subsection (9), which requires that the program include the policies and procedures consistent with 14.33.125, a new section that would be added by Section 4 of the bill.

Sec 3: Would repeal the current language in 14.33.120(b) which have the Department of Education and Early Development define the requirements of reporting an incident, and replaced with a new requirement that, after an incident resulting in a student being restrained or secluded, the student's school must notify the parent or legal guardian of the student within 24 hours.

Section 4: Would amend AS 14.33 by adding two new subsections. 14.33.125, the first new subsection, prohibits the use of restraint and seclusion except if either the student is posing an imminent harm to themselves or others, less restrictive means have been attempted and are ineffective, the person restraining or secluding is able to maintain either face-to-face or direct visual contact with the student, and the restraint or seclusion is discontinued once the imminent danger is has ceased, or less restrictive methods would now be effective.

In addition, the person administering the restraint or seclusion would need to be trained in crisis intervention, de-escalation and restraint techniques approved by the Department of Education and Early Development under 14.33.127, a new subsection created by Section 4 of the bill. A person who is not trained under 14.33.127 may still restrain or seclude a student only if a trained person is not available and the circumstances are both an unforeseen emergency and are rare and unavoidable.

Under no circumstances is a school employee allowed to either chemically or mechanically restrain a student, or physically restrain or escort a student in a manner that restricts their breathing.

A school must have a written report of any incident of seclusion and restraint detailing the events leading up to the incident, actions taken, the duration of the incident, the personnel involved, the number of instances a student was restrained or secluded within that incident, and a description of any further action taken. The school must also have that incident available to parents upon request.

14.33.125 also includes the requirement that a school in its written school disciplinary and safety program, have a detailed program to address seclusion and restraint and under what conditions it is allowed, and the follow up procedures to any incidents of seclusion or restraint. The school will be required to annually submit its incident data regarding seclusion and restraint to the Department of Education and Early Development. 14.33.125 also defines chemical, mechanical and physical restraint, as well as seclusion and physically escort.

14.33.127, the second new subsection, requires the Department of Education and Early Development to approve the crisis intervention training program required for schools under AS 14.33.125, a new subsection created by Section 4 of the bill. The Department would need to ensure that the program: utilizes evidence based techniques shown to be effective in preventing the need for restraint and seclusion, keeping school personnel and students safe during the administering of restraint or seclusion. In addition, the program would need to instruct in positive behavior supports, de-escalation techniques and conflict management, as well as first aid and cardiopulmonary resuscitation. 14.33.127 would require the governing body of a school to ensure that a sufficient number of school staff are trained in proportion to the school population.