

28-LS0852\D  
Mischel  
3/25/14

**CS FOR HOUSE BILL NO. 210(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES MILLETT AND AUSTERMAN, Gara, Foster, Holmes, Guttenberg

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to crisis intervention training for school personnel; and relating to  
2 restraint and seclusion of students in public schools."

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

4 \* **Section 1.** 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;

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

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

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

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

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

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

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

(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for 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. 2.** AS 14.33.120(b) is repealed and reenacted to read:

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

\* **Sec. 3.** AS 14.33 is amended by adding new sections to read:

**Sec. 14.33.125. Student restraint or seclusion; limitations.** (a) A public 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 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 circumstances are rare and present an unavoidable and unforeseen emergency; and

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

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

(1) use chemical restraint;

(2) use mechanical restraint; or

(3) physically restrain a student by placing the student on the student's back or stomach or in a manner that restricts the student's breathing.

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

(1) the date and time of the incident;

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

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

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

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

(e) A school district shall ensure that a review process is established and conducted for each incident that involves restraint or seclusion of a student. The review must be conducted as soon as practicable after the event and include

(1) staff review of the incident;

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

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

(f) Each school district shall annually report to the department, on a form acceptable to the department, the total number of incidents involving the restraint or seclusion of a student. The report must specify

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

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

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

(g) In this section,

(1) "chemical restraint" means a psychopharmacologic drug that is

used on a student for discipline or convenience and that is not required to treat a medical symptom;

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

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

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

(5) "seclusion" means the involuntary confinement of a student in a room or area that the student is prevented from leaving; "seclusion" does not include a classroom timeout, supervised detention, or suspension from school under AS 14.30.045.

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

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

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

(3) evidence-based skills related to positive behavior supports, conflict prevention, understanding antecedents, de-escalation, and conflict management;

(4) first aid and cardiopulmonary resuscitation; and

(5) applicable policies and procedures.

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

(c) In this section,

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

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

1 \* **Sec. 4.** AS 14.45.100 is amended to read:

2 **Sec. 14.45.100. Exemption.** Except as provided in (b) of this section, a [A]  
3 religious or other private school that complies with AS 14.45.100 - 14.45.130 is  
4 exempt from other provisions of law and regulations relating to education except law  
5 and regulations relating to physical health, fire safety, sanitation, immunization, and  
6 physical examinations.

7 \* **Sec. 5.** AS 14.45.100 is amended by adding a new subsection to read:

8 (b) A religious or other private school that is exempt under this section is not  
9 required to comply with AS 14.33.120(b), 14.33.125, or 14.33.127.