

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: 3/27/14

Referred: Rules

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, legal guardians, 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, **legal guardians**, teachers,
12 and other persons responsible for the students at a school; a governing body may
13 require that standards developed under this paragraph be consistent for all schools in
14 an attendance area or the district;

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

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

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

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

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

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

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

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

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

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

22 * **Sec. 2.** AS 14.33.120(b) is repealed and reenacted to read:

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

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

28 **Sec. 14.33.125. Student restraint or seclusion; limitations.** (a) A public
29 school disciplinary and safety program must

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

- 1 (2) be annually reviewed with school personnel;
- 2 (3) include a written report of each incident that is maintained in the
- 3 student's record as described in (d) of this section; and
- 4 (4) include a review of each incident in which restraint or seclusion is
- 5 used as provided in (e) of this section.

6 (b) A teacher, teacher's assistant, or other person responsible for students may

7 physically restrain or seclude a student only if

8 (1) the student's behavior poses an imminent danger of physical injury

9 to the student or another person;

10 (2) less restrictive interventions would be ineffective to stop the

11 imminent danger to the student or another person;

12 (3) the person continuously monitors the student in face-to-face

13 contact or, if face-to-face contact is unsafe, by continuous direct visual contact with

14 the student;

15 (4) the person has received training in crisis intervention and de-

16 escalation and restraint techniques that has been approved by the department under

17 AS 14.33.127, unless a trained person is not immediately available and the

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

19 (5) the restraint or seclusion is discontinued immediately when the

20 student no longer poses an imminent danger of physical injury to the student or

21 another person or when a less restrictive intervention is effective to stop the danger of

22 physical injury.

23 (c) A teacher, teacher's assistant, or other person responsible for students may

24 not

25 (1) use chemical restraint;

26 (2) use mechanical restraint; or

27 (3) physically restrain a student by placing the student on the student's

28 back or stomach or in a manner that restricts the student's breathing.

29 (d) School personnel who restrain or seclude a student shall provide a written

30 report of the incident to the school administrator. A school shall provide a copy of the

31 report to the student's parents or legal guardians. The report must include

- 1 (1) the date and time of the incident;
- 2 (2) the names and job titles of school personnel who participated in or
3 supervised the incident;
- 4 (3) a description of the activity that preceded the incident, including
5 efforts and strategies used with the student before the incident;
- 6 (4) a description of the incident, including the type and duration of the
7 intervention used;
- 8 (5) a description of how the incident ended, including any further
9 action taken.

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

- 13 (1) staff review of the incident;
- 14 (2) follow-up communication with the student and the student's parent
15 or legal guardian;
- 16 (3) review of and recommendations for adjusting or amending
17 procedures, strategies, accommodations, individualized education plans, or other
18 student behavior plans, or for additional staff training.

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

- 22 (1) the number of incidents that resulted in injury or death of students
23 or personnel;
- 24 (2) the number of incidents in which school personnel involved in the
25 restraint or seclusion were not trained in an approved crisis intervention training
26 program as described in AS 14.33.127(b); and
- 27 (3) the number of incidents involving the restraint or seclusion of a
28 child with a disability under AS 14.30.350; the report must also include the category
29 of the disability of the child involved in each incident.

30 (g) In this section,

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

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

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

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

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

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

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

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

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

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

24 (4) first aid and cardiopulmonary resuscitation; and

25 (5) applicable policies and procedures.

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

29 (c) In this section,

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

31 (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.