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# HOUSE BILL No. 1529

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-33-8-13.3; IC 20-34-7.

**Synopsis:** Use of restraint and seclusion in schools. Requires school corporations to include provisions concerning the use of restraint and seclusion in the school discipline rules. Establishes standards for the use of restraint and seclusion in schools. Requires parental notification when restraint or seclusion is imposed on a student. Imposes reporting requirements for school corporations. Requires training for certain school staff members in the use of positive behavior intervention and support.

**Effective:** July 1, 2011.

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### Summers

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January 20, 2011, read first time and referred to Committee on Education.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1529



A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-33-8-13.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: **Sec. 13.3. Discipline rules adopted by**  
4 **the governing body of a school corporation under section 12 of this**  
5 **chapter must include provisions concerning the use of restraint and**  
6 **seclusion as set forth under IC 20-34-7.**

7 SECTION 2. IC 20-34-7 IS ADDED TO THE INDIANA CODE AS  
8 A **NEW** CHAPTER TO BE READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2011]:

10 **Chapter 7. Restraint and Seclusion**

11 **Sec. 1. As used in this chapter, "chemical restraint" means the**  
12 **administration of a drug or medication to manage a student's**  
13 **behavior or restrict a student's freedom of movement that is not a**  
14 **standard treatment and dosage for the student's medical or**  
15 **psychiatric condition.**

16 **Sec. 2. (a) As used in this chapter, "mechanical restraint" means**  
17 **the use of:**



1           (1) a mechanical device;  
 2           (2) a material; or  
 3           (3) equipment;  
 4 attached or adjacent to a student's body that the student cannot  
 5 easily remove that restricts the freedom of movement of all or part  
 6 of the student's body or restricts normal access to the student's  
 7 body.

8           (b) The term does not include:  
 9           (1) mechanical devices;  
 10           (2) material; or  
 11           (3) equipment;  
 12 used for postural support, used during transportation, or used to  
 13 improve the mobility and independent functioning of a student  
 14 rather than to restrict movement.

15           Sec. 3. As used in this chapter, "physical restraint" means  
 16 physical contact between an educational provider and a student:

- 17           (1) in which the student unwillingly participates; and
- 18           (2) that involves the use of a manual hold to restrict freedom
- 19           of movement of all or part of a student's body or to restrict
- 20           normal access to the student's body.

21           The term does not include briefly holding a student without undue  
 22 force in order to calm, comfort, or prevent unsafe behavior, such  
 23 as running into traffic or engaging in a physical altercation, or  
 24 physical contact intended to gently assist or prompt a student in  
 25 performing a task or to guide or assist a student from one (1) area  
 26 to another.

27           Sec. 4. As used in this chapter, "positive behavior intervention  
 28 and support" means a systematic approach that:

- 29           (1) uses evidence based practices and data driven decision
- 30           making to improve school climate and culture; and
- 31           (2) includes a range of systemic and individualized strategies
- 32           to reinforce desired behavior and diminish reoccurrence of
- 33           problem behavior;

34           to achieve improved academic and social outcomes and increase  
 35 learning for all students.

36           Sec. 5. As used in this chapter, "qualified staff member" refers  
 37 to a school staff member who is trained in using positive behavior  
 38 intervention and support.

39           Sec. 6. As used in this chapter, "seclusion" means the  
 40 involuntary confinement of a student alone in a room or area from  
 41 which the student physically is prevented from leaving. The term  
 42 does not include a supervised timeout in which an adult is

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1 continuously present in the room with the student.  
 2 **Sec. 7. A school staff member may not use:**  
 3 (1) seclusion;  
 4 (2) chemical restraint;  
 5 (3) mechanical restraint; or  
 6 (4) physical restraint;  
 7 upon a student for the purpose of coercion, discipline, convenience,  
 8 or retaliation.  
 9 **Sec. 8. A school staff member may not use any of the following:**  
 10 (1) A physical restraint technique that obstructs a student's  
 11 respiratory airway or impairs the student's breathing or  
 12 respiratory capacity, including a technique in which a school  
 13 staff member places pressure on a student's back or places the  
 14 staff member's body weight against the student's torso or  
 15 back.  
 16 (2) A pillow, blanket, or other item covering the student's face  
 17 as part of a physical restraint.  
 18 (3) An improvised restraint device, such as a sheet or belt.  
 19 (4) A physical restraint on a student who has a known  
 20 medical, psychological, or physical condition if there is reason  
 21 to believe that the use of the physical restraint would  
 22 endanger the student's life or seriously exacerbate the  
 23 medical, psychological, or physical condition of the student. A  
 24 medical, psychological, or physical condition under this  
 25 subdivision includes a history of trauma or abuse, obesity, an  
 26 agitated or excited syndrome, a preexisting heart disease, and  
 27 a respiratory condition, including bronchitis or asthma.  
 28 (5) Placement of a student in a face-down position with the  
 29 student's hands held or restrained behind the student's back.  
 30 (6) Physical restraint as an extended procedure beyond the  
 31 immediate emergency.  
 32 **Sec. 9. A school staff member may use physical restraint only if**  
 33 **all of the following conditions are met:**  
 34 (1) It is an emergency situation, and physical restraint is  
 35 required to prevent imminent serious physical harm to the  
 36 student, staff, or others.  
 37 (2) The school staff member has determined that less  
 38 restrictive alternatives and other positive behavior  
 39 intervention supports are ineffective.  
 40 (3) A school staff member is continuously present and keeps  
 41 the student under constant face-to-face observation for signs  
 42 of distress or difficulty breathing.

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- 1           **(4) The school staff member applying the restraint is a**
- 2           **qualified staff member trained in positive behavior**
- 3           **intervention and support, including the following:**
- 4           **(A) Evidence based techniques shown to be effective in the**
- 5           **prevention and safe use of physical restraint and seclusion.**
- 6           **(B) Evidence based skill training that is related to positive**
- 7           **behavior intervention support.**
- 8           **(C) Conflict prevention.**
- 9           **(D) De-escalation and conflict management.**
- 10           **(E) First aid.**
- 11           **(F) Cardiopulmonary resuscitation.**

12           **Sec. 10. A school staff member may not use chemical restraint,**

13           **except as otherwise licensed to prescribe and administer**

14           **medication.**

15           **Sec. 11. A school staff member may not use mechanical**

16           **restraint.**

17           **Sec. 12. A school staff member may not use seclusion unless all**

18           **of the following conditions are met:**

- 19           **(1) The school staff member uses seclusion as an emergency**
- 20           **behavior intervention.**
- 21           **(2) The student placed in seclusion has a current**
- 22           **individualized education program that includes the use of**
- 23           **seclusion, and the student has the ability to understand the**
- 24           **purpose of seclusion and the directives given by the school**
- 25           **personnel regarding the seclusion. The individualized**
- 26           **education program shall be reviewed by the case conference**
- 27           **committee team after every incident of seclusion.**
- 28           **(3) The student placed in seclusion:**
- 29           **(A) exhibits behavior that poses an imminent risk of**
- 30           **serious physical harm to school personnel; or**
- 31           **(B) is in a facility otherwise licensed or permitted by the**
- 32           **state to use seclusion when the student poses an imminent**
- 33           **risk of serious physical harm to school personnel or others;**
- 34           **and the behavior cannot be addressed by a less restrictive**
- 35           **intervention.**
- 36           **(4) During the use of seclusion a qualified staff member who**
- 37           **is free from other responsibilities at the time is continually**
- 38           **present and keeps the student under constant direct visual**
- 39           **observation. A student may not be deprived of sleep, food,**
- 40           **water, shelter, physical comfort, or access to bathroom**
- 41           **facilities.**

42           **Sec. 13. A student's parent must be notified when physical**

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1 restraint or seclusion is used. The school staff members involved in  
2 the incident when physical restraint or seclusion is used shall  
3 participate in a debriefing session as soon as possible after the  
4 incident with the parent to discuss the behavior and future  
5 prevention planning.

6 Sec. 14. A school staff member authorized to impose physical  
7 restraint or seclusion under this chapter must successfully  
8 complete a basic or inservice course of education and training in  
9 positive behavior intervention and support that is certified by the  
10 state board in conjunction with any other appropriate entity  
11 determined by the state board.

12 Sec. 15. The state board shall adopt rules under IC 4-22-2 for  
13 the following:

- 14 (1) Standards for continuing education and training for  
15 qualified staff members.
- 16 (2) Mandatory training and continuing education  
17 requirements for qualified staff members.

18 Sec. 16. By July 1 of each year, each school corporation shall  
19 submit a report to the department detailing the following  
20 information for the current school year:

- 21 (1) The total number of incidents in which physical restraint  
22 was imposed on a student.
- 23 (2) The total number of incidents in which seclusion was  
24 imposed on a student.
- 25 (3) The race, gender, and grade level of each student upon  
26 whom physical restraint or seclusion was imposed and  
27 whether the student was a child with a disability (as defined  
28 in IC 20-35-1-2).

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