

SENATE BILL No. 345

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-34-8.

Synopsis: Use of restraints and seclusion in schools. Requires each school corporation, including a charter school, to develop a policy on restraint and seclusion that includes certain provisions. Requires restraint and seclusion policies to be published in a student handbook, made available to the public, and distributed at each initial case conference committee within the school corporation.

Effective: July 1, 2013.

Head

January 8, 2013, read first time and referred to Committee on Education and Career Development.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 345



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 20-34-8 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]:
4 **Chapter 8. Restraint and Seclusion**
5 **Sec. 1. The purpose of this chapter is to do the following:**
6 (1) **Prevent and reduce the use of physical restraint and**
7 **seclusion in schools.**
8 (2) **Ensure the safety of all students and school employees in**
9 **schools and promote a positive school culture and climate.**
10 (3) **Protect students from:**
11 (A) **physical or mental abuse;**
12 (B) **aversive behavioral interventions that compromise**
13 **health and safety; and**
14 (C) **any physical restraint or seclusion imposed solely for**
15 **purposes of discipline or convenience.**
16 (4) **Ensure that physical restraint and seclusion are imposed**
17 **in school only when a student's behavior poses an imminent**



1 danger of physical injury to the student, a school employee, or
2 others.

3 **Sec. 2. As used in this chapter, "behavioral intervention plan"**
4 **means a plan that is agreed upon by the case conference committee**
5 **(as defined in IC 20-35-7-2) and incorporated into a student's**
6 **individualized education program (as defined in IC 20-18-2-9) and**
7 **that describes the following:**

8 (1) The pattern of behavior that impedes the student's
9 learning or the learning of others.

10 (2) The purpose or function of the behavior as identified in a
11 functional behavioral assessment.

12 (3) The positive interventions and supports, and other
13 strategies, to:

14 (A) address the behavior; and

15 (B) maximize consistency of implementation across people
16 and settings in which the student is involved.

17 (4) If applicable, the skills that will be taught and monitored
18 in an effort to change a specific pattern of behavior of the
19 student.

20 The behavioral intervention plan seeks to maximize consistency of
21 implementation across people and settings in which the student is
22 involved.

23 **Sec. 3. As used in this chapter, "chemical restraint" means the**
24 **administration of a drug or medication to manage a student's**
25 **behavior or restrict a student's freedom of movement that is not a**
26 **standard treatment and dosage for the student's medical or**
27 **psychiatric condition.**

28 **Sec. 4. As used in this chapter, "isolated time-out" means the**
29 **confinement of a student in a time-out room or some other**
30 **enclosure, whether within or outside the classroom, from which the**
31 **student's egress is restricted.**

32 **Sec. 5. (a) As used in this chapter, "mechanical restraint" means**
33 **the use of:**

34 (1) a mechanical device;

35 (2) a material; or

36 (3) equipment;

37 attached or adjacent to a student's body that the student cannot
38 easily remove and that restricts the freedom of movement of all or
39 part of the student's body or restricts normal access to the
40 student's body.

41 (b) The term does not include:

42 (1) mechanical devices;

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(2) a material; or
(3) equipment;
used as prescribed by a doctor.

Sec. 6. (a) As used in this chapter, "physical restraint" means physical contact between a school employee and a student:

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

(b) The term does not include:

- (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
- (2) physical escort; or
- (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.

Sec. 7. As used in this chapter, "positive behavior intervention and support" means a systematic approach that:

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

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

Sec. 8. As used in this chapter, "school employee" means an individual employed by:

- (1) a public school, including a charter school; or
- (2) an accredited nonpublic school.

Sec. 9. As used in this chapter, "seclusion" means the involuntary confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

Sec. 10. As used in this chapter, "time-out" means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment

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1 is restricted.

2 **Sec. 11. Each school corporation, including a charter school,**
 3 **shall develop a policy regarding seclusion and restraint. The policy**
 4 **must include at a minimum all of the following:**

5 (1) A statement on how students will be treated with dignity
 6 and respect and how appropriate student behavior will be
 7 promoted and taught.

8 (2) A statement ensuring that the school will use prevention,
 9 positive behavior intervention and support, and conflict
 10 de-escalation to preclude the need for use of any of the
 11 following:

12 (A) Seclusion.

13 (B) Chemical restraint.

14 (C) Mechanical restraint.

15 (D) Physical restraint.

16 (3) A statement ensuring that any behavioral intervention
 17 used will be consistent with the student's most current
 18 behavioral intervention plan, or individualized education
 19 program, if applicable.

20 (4) Definitions for restraint and seclusion, as defined in this
 21 chapter.

22 (5) A requirement that the use of isolated time-out is subject
 23 to the following:

24 (A) Any enclosure used for isolated time-out must:

25 (i) have the same ceiling height as the surrounding room
 26 or rooms and be large enough to accommodate not only
 27 the student being isolated but also any other individual
 28 who is required to accompany that student;

29 (ii) be constructed of materials or objects that cannot be
 30 used by students to harm themselves or others, and be
 31 designed so that students cannot climb up the walls;

32 (iii) be designed to allow continuous visual monitoring of
 33 and communication with the student;

34 (iv) not use any device that requires the use of a key or
 35 special knowledge to effect any required exit from the
 36 room; and

37 (v) comply with all applicable health and safety
 38 requirements.

39 (B) An adult must supervise the confined student and must
 40 be able to see the student at all times.

41 (C) A student must not be kept in isolated time-out for
 42 more than thirty (30) minutes after the student stops

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- 1 exhibiting the specific behavior for which isolated time-out
 2 was imposed or any other behavior for which it would be
 3 an appropriate intervention.
- 4 If a student is placed in isolated time-out pursuant to a
 5 behavioral intervention plan or individualized education
 6 program, any time limitations identified in the behavioral
 7 intervention plan or individualized education program will
 8 control.
- 9 (6) A statement ensuring that if a procedure listed in
 10 subdivision (2) is used, the procedure will be used:
- 11 (A) as a last resort safety procedure, employed only after
 12 another, less restrictive procedure has been implemented
 13 without success; and
- 14 (B) in a situation in which there is an imminent risk of
 15 injury to the student, other students, school employees, or
 16 visitors to the school.
- 17 (7) A documentation and recording requirement governing
 18 instances in which procedures listed in subdivision (2) are
 19 used, including:
- 20 (A) how every incident will be documented and debriefed;
 21 (B) how responsibilities will be assigned to designated
 22 employees for evaluation and oversight; and
- 23 (C) designation of a school employee to be the keeper of
 24 such documents.
- 25 (8) A requirement that the student's parent must be notified
 26 as soon as possible when an incident involving the student
 27 occurs that includes use of procedures listed in subdivision (2).
- 28 (9) A requirement that a copy of an incident report must be
 29 sent to the student's parent after the student is subject to a
 30 procedure listed in subdivision (2).
- 31 (10) Required training for appropriate school employees on
 32 the appropriate use of effective alternatives to physical
 33 restraint and seclusion, including the use of positive
 34 behavioral intervention and support and conflict
 35 de-escalation. The training must include the safe use of
 36 physical restraint and seclusion in incidents involving
 37 imminent danger or serious harm to the student, school
 38 employees, or others.
- 39 **Sec. 12. A restraint and seclusion policy developed under section**
 40 **11 of this chapter must be published in the student handbook,**
 41 **made available to the public, and distributed at each initial case**
 42 **conference committee within the school corporation.**

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