

# COMMITTEE REPORT

## MADAM PRESIDENT:

The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 345, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 2, delete "JULY" and insert "UPON PASSAGE]:".
- 2 Page 1, delete line 3.
- 3 Page 1, delete lines 5 through 17.
- 4 Page 2, delete lines 1 through 2.
- 5 Page 2, line 3, delete "2." and insert "1."
- 6 Page 2, line 23, delete "3." and insert "2."
- 7 Page 2, between lines 27 and 28, begin a new paragraph and insert:
- 8 **"Sec. 3. As used in this chapter, "commission" refers to the**
- 9 **commission on seclusion and restraint in schools established under**
- 10 **section 11 of this chapter."**
- 11 Page 3, line 29, delete ":" and insert **"a public school, including a**
- 12 **charter school."**
- 13 Page 3, delete lines 30 through 31.
- 14 Page 4, delete lines 2 through 42, begin a new paragraph and insert:
- 15 **"Sec. 11. (a) The commission on seclusion and restraint in**
- 16 **schools is established.**
- 17 **(b) The commission has the following seven (7) members:**
- 18 **(1) The designee of the state superintendent, who serves at the**
- 19 **pleasure of the state superintendent.**
- 20 **(2) A representative of the Autism Society of Indiana, chosen**

- 1 by the organization, who serves a two (2) year term.
- 2 (3) A representative of the Arc of Indiana, chosen by the  
3 organization, who serves a two (2) year term.
- 4 (4) A representative of the Indiana Council of Administrators  
5 of Special Education, chosen by the organization, who serves  
6 a two (2) year term.
- 7 (5) A representative of the Indiana Protection and Advocacy  
8 Services, chosen by the organization, who serves a two (2)  
9 year term.
- 10 (6) A parent of a student with a disability, nominated by a  
11 member described in subdivisions (1) through (5) and  
12 approved by a majority of the members described in  
13 subdivisions (1) through (5), who serves a two (2) year term.
- 14 (7) A parent of a student who does not have a disability,  
15 nominated by a member described in subdivisions (1) through  
16 (5) and approved by a majority of the members described in  
17 subdivisions (1) through (5), who serves a two (2) year term.
- 18 (c) Each member of the commission who is not a state employee  
19 is entitled to the minimum salary per diem provided by  
20 IC 4-10-11-2.1(b). A member who is not a state employee is also  
21 entitled to reimbursement for traveling expenses and other  
22 expenses actually incurred in connection with the member's duties,  
23 as provided in the state travel policies and procedures established  
24 by the Indiana department of administration and approved by the  
25 budget agency.
- 26 Sec. 12. (a) The designee of the state superintendent serves as  
27 chairperson of the commission.
- 28 (b) The commission shall meet at least annually on the call of the  
29 chairperson, and may meet as often as is necessary. The  
30 chairperson shall provide not less than fourteen (14) days notice of  
31 a meeting to the members of the commission and to the public.
- 32 (c) The affirmative votes of at least four (4) members of the  
33 commission are necessary for the commission to take action. The  
34 votes of the commission must be recorded.
- 35 (d) All commission meetings shall be open to the public, and  
36 each meeting must include opportunities for public comment.
- 37 (e) The department shall provide staff support for the  
38 commission.

1           **Sec. 13. The commission has the following duties:**

2           **(1) To recommend to the state board proposed rules**  
3           **concerning the following:**

4               **(A) Proper methods of chemical, mechanical, and physical**  
5               **restraint.**

6               **(B) The use of seclusion and timeouts.**

7               **(C) Standards for rooms used for seclusion and timeouts,**  
8               **including room construction, exits, the size of the room,**  
9               **ceiling height, and health and safety considerations.**

10              **(D) Training regarding the use of seclusion and restraint,**  
11              **including the frequency of training and which school**  
12              **employees must be trained. The commission must approve**  
13              **at least one (1) training method that is without cost to**  
14              **schools.**

15           **(2) Before August 1, 2013, to develop a model restraint and**  
16           **seclusion plan for schools that includes the following**  
17           **elements:**

18               **(A) A statement on how students will be treated with**  
19               **dignity and respect and how appropriate student behavior**  
20               **will be promoted and taught.**

21               **(B) A statement ensuring that the school will use**  
22               **prevention, positive behavior intervention and support,**  
23               **and conflict deescalation to minimize the need for use of**  
24               **any of the following:**

25                   **(i) Seclusion.**

26                   **(ii) Chemical restraint.**

27                   **(iii) Mechanical restraint.**

28                   **(iv) Physical restraint.**

29               **(C) A statement ensuring that any behavioral intervention**  
30               **used will be consistent with the student's most current**  
31               **behavioral intervention plan, or individualized education**  
32               **program, if applicable.**

33               **(D) Definitions for restraint and seclusion, as defined in**  
34               **this chapter.**

35               **(E) A statement ensuring that if a procedure listed in**  
36               **clause (B) is used, the procedure will be used:**

37                   **(i) as a last resort safety procedure, employed only after**  
38                   **another, less restrictive procedure has been implemented**

- 1                   without success; and
- 2                   (ii) in a situation in which there is an imminent risk of
- 3                   injury to the student, other students, school employees,
- 4                   or visitors to the school.
- 5                   (F) An indication that restraint or seclusion may be used
- 6                   only for a short time period, or until the imminent risk of
- 7                   injury has passed.
- 8                   (G) A documentation and recording requirement
- 9                   governing instances in which procedures listed in clause
- 10                  (B) are used, including:
- 11                  (i) how every incident will be documented and debriefed;
- 12                  (ii) how responsibilities will be assigned to designated
- 13                  employees for evaluation and oversight; and
- 14                  (iii) designation of a school employee to be the keeper of
- 15                  such documents.
- 16                  (H) A requirement that the student's parent must be
- 17                  notified as soon as possible when an incident involving the
- 18                  student occurs that includes use of procedures listed in
- 19                  clause (B).
- 20                  (I) A requirement that a copy of an incident report must be
- 21                  sent to the student's parent after the student is subject to
- 22                  a procedure listed in clause (B).
- 23                  (J) Required recurrent training for appropriate school
- 24                  employees on the appropriate use of effective alternatives
- 25                  to physical restraint and seclusion, including the use of
- 26                  positive behavioral intervention and support and conflict
- 27                  deescalation. The training must include the safe use of
- 28                  physical restraint and seclusion in incidents involving
- 29                  imminent danger or serious harm to the student, school
- 30                  employees, or others.
- 31                  (3) To adopt procedures for the approval or disapproval of
- 32                  school corporation restraint and seclusion plans submitted
- 33                  under section 14 of this chapter.
- 34                  (4) To adopt procedures for the review of incident reports
- 35                  submitted to the commission under section 15 of this chapter.
- 36                  Sec. 14. (a) Before January 1, 2014, each school corporation
- 37                  shall either:
- 38                  (1) submit to the commission a restraint and seclusion plan

1           that contains the elements set forth in section 13(2) of this  
2           chapter; or

3           (2) inform the commission that the school corporation has  
4           adopted the commission's model restraint and seclusion plan.

5           A school corporation may submit the school corporation's restraint  
6           and seclusion plan or communicate the school corporation's  
7           adoption of the model restraint and seclusion plan to the  
8           department.

9           (b) The commission may approve or not approve a school  
10          corporation's restraint and seclusion plan submitted under  
11          subsection (a). If the commission takes no action concerning a  
12          school corporation's submitted restraint and seclusion plan, the  
13          restraint and seclusion plan is considered to be approved.

14          (c) A school corporation's restraint and seclusion plan  
15          submitted or adopted under this section must become effective not  
16          later than July 1, 2014.

17          Sec. 15. A school corporation shall submit an annual report to  
18          the commission and to the department of the number and types of  
19          incidents of restraint and seclusion that occurred in each school in  
20          the school corporation. The report must be in the form required by  
21          the commission.

22          Sec. 16. The state board shall adopt rules under IC 4-22-2 to  
23          carry out the recommendations of the commission made under  
24          section 13 of this chapter.

25          SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this  
26          SECTION, "commission" refers to the commission on seclusion  
27          and restraint in schools established under IC 20-34-8-11, as added  
28          by this act.

29          (b) Before May 31, 2013, the organizations set forth in  
30          IC 20-34-8-11(b)(2) through IC 20-34-8-11(b)(5), as added by this  
31          act, shall select their representatives to serve on the commission  
32          and submit the names and contact information for the  
33          representatives to the department of education.

34          (c) The individual designated by the state superintendent of  
35          public instruction to serve on the commission shall call the initial  
36          meeting of the commission before July 1, 2013.

37          (d) This SECTION expires July 1, 2013.

38          SECTION 3. An emergency is declared for this act."

- 1 Delete page 5.
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 345 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 12, Nays 0.

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**Kruse**

**Chairperson**