

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
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As Engrossed: H3/29/21

A Bill

HOUSE BILL 1610

By: Representative Gazaway

For An Act To Be Entitled

AN ACT CONCERNING THE USE OF STUDENT RESTRAINTS IN
PUBLIC SCHOOLS OR EDUCATIONAL SETTINGS; AND FOR OTHER
PURPOSES.

Subtitle

CONCERNING THE USE OF STUDENT RESTRAINTS
IN PUBLIC SCHOOLS OR EDUCATIONAL
SETTINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an additional subchapter to read as follows:

Subchapter 22 – Student Restraints in Public Schools or Educational Settings

6-18-2201. Legislative findings.

The General Assembly finds that:

(1) It is the responsibility of each school district in Arkansas to ensure the safety of all students and school personnel;

(2) It is the responsibility of each school district in Arkansas to ensure that every student in Arkansas is safe and protected from being unnecessarily or inappropriately restrained;

(3) Safe, effective, evidence-based strategies should be the basis for protocols in public schools and educational settings to support every student who displays challenging behavior in a public school or educational setting;

(4) Providing school personnel with training that is focused on



evidence-based positive behavior support, de-escalation techniques, and physical restraint prevention can reduce the incidence of injury, trauma, and death;

(5) The effective implementation of school-wide positive behavioral support is linked to greater academic achievement, significantly fewer disciplinary problems, increased instruction time, and the perception of a safer teaching environment by school personnel;

(6) Positive behavioral support involves school-wide approaches that result in:

(A) Positive classroom and school climates;

(B) Prosocial student and school personnel interactions;

(C) Teaching a student academic, social, emotional, behavioral engagement, and achievement skills; and

(D) Reinforcing the academic, social, emotional, behavioral engagement, and achievement skills of a student;

(7) The use of effective positive behavioral support in public schools and educational settings can prevent an emergency situation that requires the use of physical restraint on a student; and

(8) Every effort should be made to:

(A) Prevent the need for secluding a student or using a physical restraint on a student;

(B) Ensure that behavioral intervention is consistent with the right of a student to be free from abuse and treated with dignity;

(C) Avoid the use of physical restraint on a student to the greatest extent possible without endangering the safety of other students and school personnel;

(D) Avoid the use of a physical restraint on a student except in a situation where the behavior of the student poses an imminent danger of serious physical harm to the student or others;

(E) Discontinue the use of a physical restraint on a student as soon as the imminent danger of serious physical harm to the student or others dissipates; and

(F) Refrain from using chemical restraint or mechanical restraint in a public school or educational setting.

6-18-2202. Applicability – Relation to other laws.

(a) This subchapter applies to any school-aged and enrolled student regardless of whether the student has an identified disability.

(b)(1) This subchapter does not supersede federal or state law.

(2) A school district shall follow all relevant federal and state law, including without limitation the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq., and section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 et seq., when a student with a disability is restrained or secluded or whenever restraining or secluding a student with a disability is contemplated.

(c) Each school district shall:

(1) Adopt policies and procedures that are consistent with the provisions of this subchapter;

(2) Review the Department of Education Special Education and Related Services Guidelines, § 20.00 Time-Out Seclusion Room; and

(3) Provide its school personnel with the training, tools, and support needed to ensure the safety of all students and school personnel.

6-18-2203. Definitions.

As used in this subchapter:

(1)(A) "Aversive behavioral intervention" means a physical or sensory intervention program that is intended to modify behavior through the use of a substance or stimulus that the intervention implementer knows will cause physical trauma, emotional trauma, or both, to a student, even when the substance or stimulus appears to be pleasant or neutral to others.

(B) "Aversive behavioral intervention" includes without limitation the following:

(i) Hitting;

(ii) Pinching;

(iii) Slapping;

(iv) Using a water spray;

(v) Using noxious fumes;

(vi) Requiring extreme physical exercise;

(vii) Using loud auditory stimulus;

(viii) Withholding meals; and

(ix) Denying reasonable access to toileting

facilities;

(2) "Behavioral intervention" means the implementation of a service, support, or strategy to teach and increase appropriate behavior or substantially decrease or eliminate behavior that is dangerous, inappropriate, or otherwise impedes the learning of a student;

(3) "Behavior Intervention Plan" means a written plan that:

(A) Is developed by a problem-solving and intervention team and delineates emotional, social, or behavioral goals for a student and the steps that the school, student, parent of the student, and others will take to positively support the progress of the student towards his or her emotional, social, or behavioral goals;

(B) Is comprised of practical and specific strategies to increase or reduce a defined behavior or one (1) or more patterns of behavior exhibited by a student; and

(C) Includes the following:

(i) A definition or description of the desired target behavior or outcome in specific measurable terms;

(ii) A plan for preventing and eliminating inappropriate student behavior by changing a condition that is triggering, motivating, underlying, or supporting that behavior as determined through a Functional Behavior Assessment;

(iii) A plan for teaching a student to demonstrate appropriate social, emotional, or behavioral self-management, or a new method to address or meet his or her needs;

(iv) A description of how a specific incentive or consequence will be used as needed to decrease or eliminate inappropriate student behavior and increase appropriate behavior;

(v) A plan for managing a crisis situation;

(vi) A system to collect, analyze, and evaluate data about the student;

(vii) The school personnel, resources, and training needed before implementation of the Behavior Intervention Plan; and

(viii) The timeline for implementing different facets of an intervention, including without limitation when the intervention will be formally reviewed;

(4)(A) "Chemical restraint" means the use of a drug or

medication to control the behavior of a student or restrict the free movement of the student.

(B) "Chemical restraint" does not include the use of medication that is:

(i) Prescribed by a licensed physician, or other qualified health professional acting within the scope of his or her professional authority under state law, for the standard treatment of a medical or psychiatric condition of a student; and

(ii) Administered as prescribed by the licensed physician or other qualified health professional acting within the scope of his or her professional authority under state law;

(5) "Consequence" means an event that occurs immediately after a behavior, behavioral response, or a planned action in response to an inappropriate student behavior and with the purpose of motivating the student to demonstrate an appropriate behavior the next time;

(6) "Crisis" means a situation in which a student engages in a behavior that threatens the health and safety of the student or others and includes without limitation a situation in which the student becomes aggressive or violent at school and is unable to regain self-control without posing a danger of injury to himself or herself or others;

(7) "Crisis intervention" means the implementation of a service, support, or strategy to:

(A) Immediately stabilize a crisis; and

(B) Prevent the crisis from reoccurring after the crisis ends;

(8) "Crisis Intervention Training Program" means a program that:

(A) Provides training using effective evidence-based practices in:

(i) The prevention of the use of physical restraint on a student;

(ii) Keeping school personnel and students safe when using physical restraint on a student in accordance with the law;

(iii) The use of data-based decision-making, evidence-based positive behavioral intervention and support, safe physical escort, conflict prevention, behavioral antecedents, a Functional Behavior Assessment, challenging behavior de-escalation, and conflict management; and

(iv) First aid, including without limitation recognizing the signs of medical distress and administering cardiopulmonary resuscitation; and

(B) Requires certification, including without limitation periodic renewal of certification in the practices and skills necessary for school personnel to properly implement the Crisis Intervention Training Program;

(9)(A) "Dangerous behavior" means the behavior of a student that presents an imminent danger of serious physical harm to the student or others.

(B) "Dangerous behavior" does not include the following types of inappropriate behavior:

(i) Disrespect;

(ii) Noncompliance;

(iii) Insubordination; or

(iv) Destruction of property that does not create an imminent danger;

(10) "Day" means a calendar day unless otherwise indicated as a school day;

(11) "De-escalation" means the use of a behavior management technique that helps a student increase his or her control over his or her emotions and behavior and results in a reduction of a present or potential level of danger that in turn reduces the level of imminent danger of serious physical harm to the student or others;

(12) "Emergency" means a serious and unexpected situation that requires immediate action and which may be dangerous;

(13) "Functional Behavior Assessment" means a problem analysis step that:

(A) Occurs within the context of data-based problem-solving and involves:

(i) The review of existing records and other sources of information;

(ii) Diagnostic or historical interviews;

(iii) Structured academic or behavioral observations; and

(iv) Authentic, criterion-referenced, or norm-

referenced tests; and

(B) Is performed with the goal of determining why a specific problem or situation is occurring in order to directly link a strategic intervention to an assessment and solve or resolve the specific problem or situation;

(14) "Imminent danger" means an existing dangerous situation that could reasonably be expected to immediately cause death or serious physical harm;

(15) "Incident" means an event or occurrence;

(16) "Individualized Education Program" means a written plan for a student with a disability that is developed, reviewed, and revised in accordance with federal and state laws and regulations;

(17)(A) "Mechanical restraint" means the use of a device or equipment to restrict the free movement of a student.

(B) "Mechanical restraint" does not include a:

(i) Device that is used by trained school personnel or a student for a specific and approved therapeutic purpose or safety purpose for which the device was designed or prescribed; or

(ii) Vehicle safety restraint that is appropriately used in the manner for which it was designed during the transport of a student in a moving vehicle;

(18)(A) "Member of school personnel" means a person who works with a student in an elementary or secondary public school, public charter school, school district, education service cooperative, and includes without limitation a:

(i) School or school district administrator;

(ii) Teacher;

(iii) Coach for a school athletics program;

(iv) School counselor;

(v) School social worker;

(vi) School psychologist;

(vii) School nurse; and

(viii) Paraprofessional.

(B) "Member of School personnel" does not include a person who is:

(i) A volunteer at a school district; or

(ii) Not an employee of a school district;

(19) "Parent" means one (1) of the following:

(A) The biological, foster, or adoptive parent of a student;

(B) The guardian of a student who is:

(i) Not acting in his or her official capacity as an employee or other representative of the state; and

(ii) Authorized to act as the parent of the student or to make educational decisions for the student;

(C) A person who:

(i) Lives with a student and is acting in the place of a biological or adoptive parent of the student, including without limitation a grandparent or stepparent, or other relative of the student; or

(ii) Is legally responsible for the welfare of the student; or

(D) A surrogate parent of a student who has been appointed in accordance with 30 C.F.R. § 300.519;

(20) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of redirecting or inducing the student to move to a safe location;

(21)(A) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arm, leg, or head freely.

(B) "Physical restraint" does not include a physical escort;

(22) "Positive behavioral support" means the application of behavior analysis that:

(A) Is used to achieve socially important behavior change;

(B) Occurs at the:

(i) Prevention level for all students in a school;

(ii) Strategic intervention level for a student who is not responding, from a social-emotional and behavioral perspective, to the prevention level; and

(iii) Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental

health services; and

(C) Involves a planned and collaborative school-wide approach that is implemented with a goal:

(i) Of establishing a positive and supportive school environment that:

(a) Teaches and reinforces prosocial behavior in a student;

(b) Holds a student positively accountable for meeting an established behavioral expectation; and

(c) Maintains a level of consistency throughout the implementation process; and

(ii) That is accomplished by using positive behavioral programs, strategies, or approaches;

(23) "Prone restraint" means restraining a student in a face-down position on the floor or another surface and applying physical pressure to the body of the student to keep the student in the prone position;

(24) "Punishment" means an action that:

(A) May follow an inappropriate behavior of a student;

(B) Is taken with the goal of decreasing, stopping, or eliminating the future reoccurrence of the inappropriate behavior of the student; and

(C) Is not taken with the goal of replacing the inappropriate behavior of the student with future appropriate behavior by the student;

(25) "School day" means any day, including without limitation a partial day, that a student is in attendance at school for instructional purposes;

(26) "Serious physical harm" means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

(27) "Student" means a person who is legally enrolled in a school district in Arkansas and receives services in Arkansas under § 619 or Part C of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.;

(28) "Student with a disability" means a student who is:

(A) Evaluated in accordance with 34. C.F.R. §§ 300.304 – 300.311 and section 6 of Special Education and Related Services: Procedural Requirements and Program Standards (ADE 2000) of the Division of Elementary and Secondary Education as having one (1) or more of the following:

- (i) A cognitive or developmental disability;
- (ii) A hearing impairment, including without limitation deafness;
- (iii) A speech or language impairment;
- (iv) A visual impairment, including without limitation blindness;
- (v) Serious emotional disturbance;
- (vi) Orthopedic impairment;
- (vii) Autism;
- (viii) Traumatic brain injury;
- (ix) A health impairment;
- (x) A specific learning disability; or
- (xi) Deaf-blindness; and

(B) By reason of his or her evaluation in accordance with 34. C.F.R. §§ 300.304 – 300.311 and § 6 of the Special Education and Related Services: Procedural Requirements and Program Standards (ADE 2000) from the Division of Elementary and Secondary Education is in need of special education and related services; and

(29) "Supine restraint" means the restraint of a student in a face-up position on his or her back on the floor or another surface and with physical pressure applied to the body of the student to keep the student in the supine position.

6-18-2204. Prevention.

(a) School districts shall implement positive behavioral supports that shall be used at the:

- (1) Prevention level for each student in a school;
- (2) Strategic intervention level for a student who is not responding, from a social, emotional, or behavioral perspective, to the prevention level; and
- (3) Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health services.

(b) Positive behavioral support implemented by a school district shall include:

(1) The teaching and reinforcing of interpersonal, social, problem solving, conflict resolution, and coping skills to a student;

(2) Holding a student positively accountable for meeting an established behavioral expectation;

(3) Maintaining a high level of consistency through the implementation process; and

(4) The following interrelated activities:

(A) Providing a school-wide approach to the discipline and safety of each student rather than an approach to only the behavior problem of a student;

(B) Focusing on preventing the development and occurrence of problem behavior;

(C) Regularly reviewing behavior data to adapt the procedures of a school to meet the needs of every student; and

(D) Providing a multitiered approach to academic and behavioral services and support to meet the academic and behavioral achievement needs of each student.

(c) A positive behavioral support system and conflict resolution or de-escalation approach implemented by a school district shall be based on the following principles:

(1) A school should promote the right of a student to be treated with dignity;

(2) A student should receive necessary academic, social, emotional, and behavioral support that is provided in a safe and least-restrictive environment possible;

(3) Positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, should be provided routinely to each student who needs the intervention or support;

(4) School personnel should be trained to provide routinely positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, to each student who needs the intervention or support;

(5) Behavioral intervention should emphasize prevention and should be a part of a school's system of positive behavioral support;

(6) A school should have the school personnel necessary to effectively provide positive support to a student;

(7) A school should appropriately train its school personnel to be able to address the needs of each student;

(8) All relevant school personnel, as determined by each public school district, should receive training in:

(A) The use of positive behavior support for student behavior and in preventive techniques for teaching and motivating prosocial student behavior; and

(B) Conflict de-escalation and resolution techniques, and these techniques should be employed by all school personnel to prevent, defuse, evaluate, and debrief a crisis and conflict situation; and

(9) Each student who exhibits an ongoing behavior that interferes with his or her learning or the learning of others, and who is nonresponsive to effectively implemented classroom or administrative intervention, should receive additional intensive behavioral intervention that is based on a Functional Behavior Assessment and data-based problem solving.

(d)(1) A school shall establish a problem-solving and intervention team for each student who exhibits social, emotional, or behavioral difficulty that may escalate, if not addressed, to potentially dangerous behavior.

(2) A problem-solving and intervention team shall include a team member who is an academic and behavioral assessment and intervention professional.

(3) A problem-solving and intervention team shall:

(A) Work with the teachers of a student to complete:

(i) A Functional Behavior Assessment of the student;
and

(ii) An assessment of any problematic situations involving the student; and

(B) Consider the need for a Behavior Intervention Plan with the goal of preventing or resolving the social, emotional, or behavioral difficulty of the student and developing a response that will de-escalate and stabilize a potential emergency situation that approaches the danger level.

(4) If a student is suspected of having a disability that

relates to behavioral concerns, the school shall follow school district, state, and federal special education procedures.

6-18-2205. Physical restraint.

(a)(1) Physical restraint of a student shall be used only by a member of school personnel who is appropriately trained to administer physical restraint except in the case of a clearly unavoidable emergency situation in which a trained member of school personnel is not immediately available due to the unforeseeable nature of the emergency situation.

(2) If an incident occurs in which a trained member of school personnel is not immediately available due to the unforeseeable nature of the emergency situation, a school district shall:

(A) Reevaluate the training needs of school personnel in the school district;

(B) Reevaluate the physical restraint policy and practices of the school district; and

(C) Develop a plan to prevent a future incident.

(3) School personnel who administer physical restraint may be trained:

(A) By a person who is certified by a training program that meets the criteria specified in § 6-18-2209; and

(B) In-state guidelines and the policies and procedures of the school district concerning the physical restraint of a student.

(b)(1) School personnel shall use the least restrictive technique necessary to end imminent danger or serious physical harm to a student and others.

(2) The ability of a student to communicate shall not be restricted unless the use of a less restrictive technique by school personnel will not prevent imminent danger of serious physical harm to the student or others.

(c) When using a crisis intervention procedure or technique, school personnel shall consider the health and safety of a student, including without limitation whether the student has an existing medical condition that makes the use of physical restraint inadvisable.

(d) Supine restraint shall not be used unless:

(1) The school personnel administering the supine restraint has

been trained by a person who is certified by a training program that meets the criteria specified in § 6-18-2209; and

(2) A person who is certified by a training program that meets the criteria specified in § 6-18-2209 determines that supine restraint is required to provide safety for the student and others.

(e) If physical restraint is used on a student, the student shall be continuously and visually observed and monitored while he or she is under physical restraint.

(f) When using physical restraint on a student, school personnel shall:

(1) Use the safest method available and appropriate to the situation;

(2) Use the amount of force that is reasonably necessary to protect a student or others from imminent danger of serious physical harm to the student or others; and

(3) Not verbally abuse, ridicule, humiliate, taunt, or engage in any other similar action towards the student.

(g) Physical restraint of a student shall:

(1) Be used for a limited period of time; and

(2) Not be used:

(A) When imminent danger or serious physical harm to the student or others dissipates or a medical condition occurs that puts the student at risk of harm;

(B) Unless the behavior of the student poses an imminent danger of serious physical harm to the student or others;

(C) After the threat of imminent danger of serious physical harm to the student or others dissipates; or

(D) In the following manner:

(i) To punish or discipline the student;

(ii) To coerce the student;

(iii) To force the student to comply;

(iv) To retaliate against the student;

(v) To replace the use of an appropriate educational or behavioral support;

(vi) As a routine safety measure;

(vii) As a planned behavioral intervention in

response to behavior of the student that does not pose an imminent danger of serious physical harm to the student or others;

(viii) As a convenience for school personnel; or

(ix) To prevent property damage unless the act of damaging property committed by the student poses an imminent danger or serious physical harm to the student and others.

(h) School personnel shall not use the following on a student:

(1) Mechanical restraint;

(2) Chemical restraint;

(3) Aversive behavioral interventions that compromise health and safety;

(4) Physical restraint that is:

(A) Life-threatening; or

(B) Medically contraindicated unless the behavior of the student poses an imminent danger of serious physical harm to the student or others; or

(5) Prone restraint or other restraint that restricts the breathing of a student.

(i)(1) The use of physical restraint on a student as a planned behavioral intervention shall not be included in a student's Individualized Education Program, 504 Plan, Behavior Intervention Plan, individual safety plan, or other individual planning document.

(2) However, if appropriate, physical restraint of a student may be considered as a crisis intervention for the student.

(j) A Functional Behavior Assessment shall be conducted following the first incident of physical restraint used on a student unless a previous Functional Behavior Assessment was conducted for the same behavior that was at issue when the physical restraint was used.

(k) The use of a technique that is abusive shall be reported to the Child Abuse Hotline and law enforcement.

6-18-2206. Responsibilities of school districts.

A school district shall develop policies and procedures:

(1) To ensure that school personnel are aware of how to access state and local policies and procedures regarding the use of physical restraint on a student;

(2) To ensure that parents are notified of how to access state and local policies and procedures regarding the use of physical restraint on a student;

(3) To ensure the safety of all school personnel, visitors, and students, including without limitation students with complex and intensive behavioral needs;

(4) To require appropriate school personnel to be trained in accordance with the provisions of this subchapter;

(5)(A) That shall be implemented during and after an incident involving the use of physical restraint on a student.

(B) The policies and procedures under this section shall include without limitation a requirement:

(i) That a parent of student shall be notified in writing of an incident involving the use of physical restraint on the student;

(ii) To document an incident involving the use of physical restraint on a student; and

(iii) To conduct a debriefing as provided under § 6-18-2207 when an incident involving the use of physical restraint on a student occurs;

(6)(A) For the acceptance and disposition of a complaint from a parent of a student regarding an incident involving the use of physical restraint on the student.

(B)(i) A complaint received by a school district concerning the use of physical restraint on a student shall be referred to the appropriate school personnel and the student's Individualized Education Program team or the student's 504 Plan team for review.

(ii) If a student has an Individualized Education Program or a 504 Plan, the student's Individualized Education Program team or 504 Plan team shall consider whether:

(a) A Functional Behavior Assessment should be performed;

(b) A Behavior Intervention Plan should be developed or revised; and

(c) Additional behavioral goals and interventions should be included in the student's existing Individualized

Education Program or 504 Plan; and

(7) To require the regular review of data on incidents involving the use of physical restraint on a student and the adjustment of procedures, as needed, concerning the use of physical restraint on a student.

6-18-2207. Documentation – Notification – Debriefing.

After the occurrence of an incident involving physical restraint of a student, school personnel involved in the incident shall:

(1)(A) Document the incident in a written report within twenty-four (24) hours after the incident occurred.

(B) A written report of the incident shall:

(i) Include all information contained in the Physical Restraint or Seclusion Incident Record and Debriefing Report provided by the Division of Elementary and Secondary Education; and

(ii) Be maintained in the education record of the student on whom physical restraint was used.

(C) A copy of the report shall be provided to the parent of the student on whom physical restraint was used within one (1) school day of the completion of the report;

(2) Notify the:

(A) Principal of the school or another designated building administrator of the incident as soon as possible but no later than the end of the school day on which the incident occurred;

(B)(i) Parent of the student on whom physical restraint was used via verbal or electronic communication as soon as possible but no later than the end of the school day on which the incident occurred.

(ii) If the parent of the student on whom physical restraint was used cannot be notified via verbal or electronic communication within twenty-four (24) hours after the incident occurred, the parent shall be mailed written notification of the incident within forty-eight (48) hours after the incident occurred; and

(3)(A) Hold a debriefing meeting within two (2) school days after the incident occurred.

(B) The following school personnel shall be present at a debriefing meeting:

(i) A member of school personnel who was present

during the incident;

(ii) A member of school personnel who was in the proximity of the student on whom physical restraint was used immediately before and during the time of the incident;

(iii) A school administrator; and

(iv) Any other member of school personnel determined to be appropriate by the school district.

(C) The purpose of the debriefing meeting shall be to:

(i) Determine whether the procedures used during the incident were necessary;

(ii) Evaluate the use of any behavioral supports and de-escalation techniques by school personnel before and during the incident;
and

(iii) Evaluate the school district's positive behavioral supports system and prevention techniques in order to minimize future use of physical restraint.

(D) At a debriefing meeting, school personnel shall:

(i) Consider relevant information in the education record of the student on whom physical restraint was used, including without limitation the concerns of the parent of the student and the student's social and medical history, Functional Behavior Assessment, and Behavior Intervention Plan;

(ii) Consider relevant information from the teachers, parents, and other professionals employed with the school district;

(iii) Discuss whether positive behavior supports were appropriately implemented;

(iv) Discuss the duration and frequency of the use of physical restraint on the student;

(v) Discuss appropriate action that may be taken to prevent and reduce the need for physical restraint;

(vi) Consider whether additional intervention and support is necessary for the student on whom physical restraint was used;

(vii) Consider whether additional intervention and support is necessary for school personnel; and

(viii) Consider how and when to debrief a person who was not present at the debriefing meeting, including without limitation the

student on whom physical restraint was used, the parent of the student on whom physical restraint was used, and any other school personnel or students who witnessed the incident.

(E)(i) The Physical Restraint or Seclusion Incident Record and Debriefing Report provided by the division or an alternative report that includes the same information in the Physical Restraint or Seclusion Incident Record and Debriefing Report shall be completed during the debriefing meeting and filed with a designated administrator of the school district.

(ii) A copy of the report completed under subdivision (3)(E)(i) of this section shall be mailed to the parent of the student on whom physical restraint was used within two (2) days of the date on which the debriefing meeting was held.

(F) All documentation used during the debriefing meeting shall be maintained as part of the education record of the student on whom physical restraint was used.

6-18-2208. Training – School personnel.

(a) A school district may conduct the following training for school personnel:

(1) Training on the use of an array of positive behavior interventions, strategies, and supports to increase appropriate student behavior and decrease inappropriate or dangerous student behavior;

(2)(A) Annual training on responding to a student in behavioral crisis and preventing a behavioral crisis.

(B) The training described under subdivision (a)(2)(A) of this section may be delivered using a web-based application and may include training on:

(i) The appropriate procedures that may be used to prevent the need for physical restraint and crisis intervention, including without limitation positive behavior management and support strategies;

(ii) The proper use of positive reinforcement;

(iii) The continuum of alternative behavioral interventions;

(iv) Crisis prevention techniques; and

(v) De-escalation strategies for problematic behavior, including without limitation verbal de-escalation and relationship

building; and

(3)(A) Training for school personnel who are selected to participate in a core team that is designated to respond to crisis and emergency situations that may require the physical restraint of a student.

(B) The core team may receive training annually in the following areas:

(i) Appropriate procedures for preventing the need for physical restraint or crisis intervention that includes the de-escalation of problematic behavior, relationship building skills, and the use of alternatives to physical restraint;

(ii) Describing and identifying dangerous behaviors on the part of a student that may indicate the need for physical restraint or crisis intervention;

(iii) The methods for evaluating the risk of harm in individual situations in order to determine whether the use of physical restraint or crisis intervention is safe and warranted;

(iv) Simulated experience of administering and receiving physical restraint and crisis intervention;

(v) Instruction regarding the effect of using physical restraint on a student, including without limitation instruction on monitoring physical signs of distress and obtaining medical assistance;

(vi) Instruction on documentation and reporting requirements and the investigation of injuries; and

(vii) Demonstration by participants of proficiency in administering physical restraint and crisis intervention.

(b) A school district shall notify all school personnel of each member of school personnel who has been trained in the use of physical restraint procedures.

6-18-2209. Crisis Intervention Training Program – Criteria.

A program used by a school district to train school personnel on the use of physical restraint on a student shall:

(1) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of physical restraint;

(2) Provide evidence-based skills training relating to positive support, conflict prevention, de-escalation, and crisis response techniques,

including without limitation:

(A) Guidelines on understanding when there is an imminent danger of serious physical harm to a student or others;

(B) Guidelines on when to intervene when there is an imminent danger of serious physical harm to a student or others;

(C) An emphasis on safety and the respect for the rights and dignity of each person involved in an incident that involves the use of physical restraint on a student;

(D) An emphasis on using the least restrictive form of intervention and taking incremental steps in an intervention;

(E) The provision of updates on information concerning alternatives to the use of restrictive interventions;

(F) Strategies for the safe implementation of restrictive interventions;

(G) The use of emergency safety interventions that include without limitation continuous assessment and monitoring of the physical well-being of a student and the safe use of physical restraint throughout the duration of a restrictive intervention;

(H) Prohibited procedures;

(I) Debriefing strategies, including without limitation the importance and purpose of debriefing; and

(J) Documentation of methods and procedures concerning the use of physical restraint on a student;

(3) Be competency-based and include measurable learning objectives, measurable testing using written documentation of behavior and observation of behavior on the objectives of the testing, and measurable methods to determine passing or failing the program;

(4) Require recertification at least biennially; and

(5) Be consistent with the philosophies, practices, and techniques for physical restraint provided under this subchapter.

/s/Gazaway