

HB1276\_L.002

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.HB17-1276 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. Legislative declaration. (1) The general  
3 assembly finds that:

4 (a) Current law restricts the circumstances under which a public  
5 agency may use restraints on an individual;

6 (b) Children are more vulnerable and impressionable than adults,  
7 and it is wholly reasonable that our safeguards to protect the integrity and  
8 sanctity of their bodies should be at least equal to those safeguards that  
9 we afford to other persons; and

10 (c) The use of certain restraints on public school students should  
11 be prohibited except when exigent circumstances exist.

12 (2) Now, therefore, the general assembly declares that:

13 (a) The use of a chemical, mechanical, or prone restraint upon a  
14 student of a school of a school district, charter school of a school district,  
15 or institute charter school is generally prohibited; and

16 (b) Notwithstanding this general prohibition, the prohibition does  
17 not apply to:

18 (I) The use of a mechanical or prone restraint on a student who is  
19 openly displaying a deadly weapon, including any device, instrument,  
20 material, or substance, whether animate or inanimate, that, in the manner  
21 it is used or intended to be used, is capable of producing death or serious  
22 bodily injury; or

23 (II) The use of mechanical or prone restraints by an armed security  
24 officer working in a school of a school district, charter school of a school  
25 district, or institute charter school when the officer satisfies certain  
26 conditions."

27 Renumber succeeding sections accordingly.

28 Page 2, line 13, strike "A SITUATION IN WHICH" and substitute "THE USE OF  
29 MECHANICAL OR PRONE RESTRAINTS ON".

30 Page 2, line 15, after "SCHOOL" insert "WHO".

31 Page 3, after line 5 insert:

32 "(4) THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS



1 SECTION DOES NOT APPLY TO SCHOOLS OPERATED IN STATE-OWNED  
2 FACILITIES WITHIN THE DIVISION OF YOUTH CORRECTIONS."

3 Page 4, line 8, strike "(2) OR (3); or" and substitute "(2), (3), OR (4); or".

4 Page 4, strike lines 9 through 27.

5 Strike pages 5 through 7.

6 Renumber succeeding sections accordingly.

7 Page 8, line 4, after "**prohibited -**" insert "**reports and review process**  
8 **-**".

9 Page 8, line 15, strike "(a)".

10 Page 8, strike lines 19 through 22 and substitute:

11 "(3) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION,  
12 EACH SCHOOL DISTRICT SHALL REQUIRE ANY SCHOOL EMPLOYEE OR  
13 VOLUNTEER WHO USES ANY TYPE OF RESTRAINT ON A STUDENT OF THE  
14 SCHOOL DISTRICT TO SUBMIT A WRITTEN REPORT OF THE INCIDENT TO THE  
15 ADMINISTRATION OF THE SCHOOL NOT LATER THAN ONE SCHOOL DAY  
16 AFTER THE INCIDENT OCCURRED.

17 (b) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, EACH  
18 SCHOOL DISTRICT SHALL ESTABLISH A REVIEW PROCESS, CONDUCT THE  
19 REVIEW PROCESS AT LEAST ANNUALLY, AND DOCUMENT THE RESULTS OF  
20 EACH REVIEW PROCESS IN WRITING. EACH ANNUAL REVIEW PROCESS MUST  
21 INCLUDE A REVIEW OF EACH INCIDENT IN WHICH RESTRAINT WAS USED ON  
22 A STUDENT DURING THE PRECEDING YEAR. THE PURPOSE OF EACH ANNUAL  
23 REVIEW PROCESS IS TO ENSURE THAT THE SCHOOL DISTRICT IS PROPERLY  
24 ADMINISTERING RESTRAINT, IDENTIFYING ADDITIONAL TRAINING NEEDS,  
25 MINIMIZING AND PREVENTING THE USE OF RESTRAINT BY INCREASING THE  
26 USE OF POSITIVE BEHAVIOR INTERVENTIONS, AND REDUCING THE  
27 INCIDENCE OF INJURY TO STUDENTS AND STAFF. EACH ANNUAL REVIEW  
28 PROCESS MUST INCLUDE BUT IS NOT LIMITED TO:

29 (I) ANALYSIS OF INCIDENT REPORTS, INCLUDING CONSIDERATION  
30 OF PROCEDURES USED DURING THE RESTRAINT, PREVENTATIVE OR  
31 ALTERNATIVE TECHNIQUES ATTEMPTED, DOCUMENTATION, AND  
32 FOLLOW-UP;

33 (II) TRAINING NEEDS OF STAFF;

34 (III) STAFF-TO-STUDENT RATIOS; AND

35 (IV) ENVIRONMENTAL CONSIDERATIONS, INCLUDING PHYSICAL

1 SPACE, STUDENT SEATING ARRANGEMENTS, AND NOISE LEVELS.  
2 (c) NOT MORE THAN FIVE CALENDAR DAYS AFTER THE USE OF  
3 RESTRAINT ON A STUDENT, THE SCHOOL ADMINISTRATION SHALL MAIL,  
4 FAX, OR E-MAIL A WRITTEN REPORT OF THE INCIDENT TO THE PARENT OR  
5 LEGAL GUARDIAN OF THE STUDENT. THE WRITTEN REPORT MUST BE  
6 PLACED IN THE STUDENT'S CONFIDENTIAL FILE AND INCLUDE:  
7 (I) THE ANTECEDENT OF THE STUDENT'S BEHAVIOR, IF KNOWN;  
8 (II) A DESCRIPTION OF THE INCIDENT;  
9 (III) ANY EFFORTS MADE TO DE-ESCALATE THE SITUATION;  
10 (IV) ANY ALTERNATIVES TO THE USE OF RESTRAINTS THAT WERE  
11 ATTEMPTED;  
12 (V) THE TYPE AND DURATION OF THE RESTRAINT USED;  
13 (VI) ANY INJURIES THAT OCCURRED; AND  
14 (VII) THE STAFF MEMBERS WHO WERE PRESENT AND STAFF  
15 MEMBERS WHO WERE INVOLVED IN ADMINISTERING THE RESTRAINT."

16 Renumber succeeding subsection accordingly.

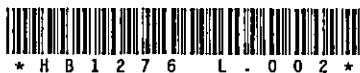
17 Page 9, line 8, after "**prohibited** -" insert "**reports and review process**  
18 -".

19 Page 9, line 19, strike "(a)".

20 Page 9, strike lines 22 through 24 and substitute:

21 "(3) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE  
22 STATE CHARTER SCHOOL INSTITUTE SHALL REQUIRE ANY INSTITUTE  
23 CHARTER SCHOOL EMPLOYEE OR VOLUNTEER WHO USES ANY TYPE OF  
24 RESTRAINT ON A STUDENT OF THE INSTITUTE CHARTER SCHOOL TO SUBMIT  
25 A WRITTEN REPORT OF THE INCIDENT TO THE ADMINISTRATION OF THE  
26 INSTITUTE CHARTER SCHOOL NOT LATER THAN ONE SCHOOL DAY AFTER  
27 THE INCIDENT OCCURRED.

28 (b) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE  
29 STATE CHARTER SCHOOL INSTITUTE SHALL ESTABLISH A REVIEW PROCESS,  
30 CONDUCT THE REVIEW PROCESS AT LEAST ANNUALLY, AND DOCUMENT  
31 THE RESULTS OF EACH REVIEW PROCESS IN WRITING. EACH ANNUAL  
32 REVIEW PROCESS MUST INCLUDE A REVIEW OF EACH INCIDENT IN WHICH  
33 RESTRAINT WAS USED ON A STUDENT DURING THE PRECEDING YEAR. THE  
34 PURPOSE OF EACH ANNUAL REVIEW PROCESS IS TO ENSURE THAT EACH  
35 INSTITUTE CHARTER SCHOOL IS PROPERLY ADMINISTERING RESTRAINT,  
36 IDENTIFYING ADDITIONAL TRAINING NEEDS, MINIMIZING AND PREVENTING  
37 THE USE OF RESTRAINT BY INCREASING THE USE OF POSITIVE BEHAVIOR  
38 INTERVENTIONS, AND REDUCING THE INCIDENCE OF INJURY TO STUDENTS



1 AND STAFF. EACH ANNUAL REVIEW PROCESS MUST INCLUDE BUT IS NOT  
2 LIMITED TO:

3 (I) ANALYSIS OF INCIDENT REPORTS, INCLUDING CONSIDERATION  
4 OF PROCEDURES USED DURING THE RESTRAINT, PREVENTATIVE OR  
5 ALTERNATIVE TECHNIQUES ATTEMPTED, DOCUMENTATION, AND  
6 FOLLOW-UP;

7 (II) TRAINING NEEDS OF STAFF;

8 (III) STAFF-TO-STUDENT RATIOS; AND

9 (IV) ENVIRONMENTAL CONSIDERATIONS, INCLUDING PHYSICAL  
10 SPACE, STUDENT SEATING ARRANGEMENTS, AND NOISE LEVELS.

11 (c) NOT MORE THAN FIVE CALENDAR DAYS AFTER THE USE OF  
12 RESTRAINT ON A STUDENT, THE SCHOOL ADMINISTRATION SHALL MAIL,  
13 FAX, OR E-MAIL A WRITTEN REPORT OF THE INCIDENT TO THE PARENT OR  
14 LEGAL GUARDIAN OF THE STUDENT. THE WRITTEN REPORT MUST BE  
15 PLACED IN THE STUDENT'S CONFIDENTIAL FILE AND INCLUDE:

16 (I) THE ANTECEDENT OF THE STUDENT'S BEHAVIOR, IF KNOWN;

17 (II) A DESCRIPTION OF THE INCIDENT;

18 (III) ANY EFFORTS MADE TO DE-ESCALATE THE SITUATION;

19 (IV) ANY ALTERNATIVES TO THE USE OF RESTRAINTS THAT WERE  
20 ATTEMPTED;

21 (V) THE TYPE AND DURATION OF THE RESTRAINT USED;

22 (VI) ANY INJURIES THAT OCCURRED; AND

23 (VII) THE STAFF MEMBERS WHO WERE PRESENT AND STAFF  
24 MEMBERS WHO WERE INVOLVED IN ADMINISTERING THE RESTRAINT."

25 Renumber succeeding subsection accordingly.

26 Page 11, strike lines 14 through 24.

27 Renumber succeeding section accordingly.

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