

HOUSE COMMITTEE OF REFERENCE REPORT

April 17, 2017

Chairman of Committee

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB17-1276 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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.".

- 1 Renumber succeeding sections accordingly.
- 2 Page 2, line 13, strike "A SITUATION IN WHICH" and substitute "THE USE OF
3 MECHANICAL OR PRONE RESTRAINTS ON".
- 4 Page 2, line 15, after "SCHOOL" insert "WHO".
- 5 Page 3, after line 5 insert:
 - 6 "(4) THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS
7 SECTION DOES NOT APPLY TO SCHOOLS OPERATED IN STATE-OWNED
8 FACILITIES WITHIN THE DIVISION OF YOUTH CORRECTIONS.".
- 9 Page 4, line 8, strike "(2) OR (3); or" and substitute "(2), (3), OR (4); or".
- 10 Page 4, strike lines 9 through 27.
- 11 Strike pages 5 through 7.
- 12 Renumber succeeding sections accordingly.
- 13 Page 8, line 4, after "**prohibited -**" insert "**reports and review process**
14 **-**".
- 15 Page 8, line 15, strike "(a)".
- 16 Page 8, strike lines 19 through 22 and substitute:
 - 17 "(3) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION,
18 EACH SCHOOL DISTRICT SHALL REQUIRE ANY SCHOOL EMPLOYEE OR
19 VOLUNTEER WHO USES ANY TYPE OF RESTRAINT ON A STUDENT OF THE
20 SCHOOL DISTRICT TO SUBMIT A WRITTEN REPORT OF THE INCIDENT TO THE
21 ADMINISTRATION OF THE SCHOOL NOT LATER THAN ONE SCHOOL DAY
22 AFTER THE INCIDENT OCCURRED.
 - 23 (b) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, EACH
24 SCHOOL DISTRICT SHALL ESTABLISH A REVIEW PROCESS, CONDUCT THE
25 REVIEW PROCESS AT LEAST ANNUALLY, AND DOCUMENT THE RESULTS OF
26 EACH REVIEW PROCESS IN WRITING. EACH ANNUAL REVIEW PROCESS MUST
27 INCLUDE A REVIEW OF EACH INCIDENT IN WHICH RESTRAINT WAS USED ON
28 A STUDENT DURING THE PRECEDING YEAR. THE PURPOSE OF EACH ANNUAL
29 REVIEW PROCESS IS TO ENSURE THAT THE SCHOOL DISTRICT IS PROPERLY
30 ADMINISTERING RESTRAINT, IDENTIFYING ADDITIONAL TRAINING NEEDS,
31 MINIMIZING AND PREVENTING THE USE OF RESTRAINT BY INCREASING THE

1 USE OF POSITIVE BEHAVIOR INTERVENTIONS, AND REDUCING THE
2 INCIDENCE OF INJURY TO STUDENTS AND STAFF. EACH ANNUAL REVIEW
3 PROCESS MUST INCLUDE BUT IS NOT LIMITED TO:

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

8 (II) TRAINING NEEDS OF STAFF;

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

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

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

17 (I) THE ANTECEDENT OF THE STUDENT'S BEHAVIOR, IF KNOWN;
18 (II) A DESCRIPTION OF THE INCIDENT;
19 (III) ANY EFFORTS MADE TO DE-ESCALATE THE SITUATION;
20 (IV) ANY ALTERNATIVES TO THE USE OF RESTRAINTS THAT WERE
21 ATTEMPTED;
22 (V) THE TYPE AND DURATION OF THE RESTRAINT USED;
23 (VI) ANY INJURIES THAT OCCURRED; AND
24 (VII) THE STAFF MEMBERS WHO WERE PRESENT AND STAFF
25 MEMBERS WHO WERE INVOLVED IN ADMINISTERING THE RESTRAINT.".

26 Renumber succeeding subsection accordingly.

27 Page 9, line 8, after "**prohibited** -" insert "**reports and review process**
28 **-**".

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

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

31 "(3) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
32 STATE CHARTER SCHOOL INSTITUTE SHALL REQUIRE ANY INSTITUTE
33 CHARTER SCHOOL EMPLOYEE OR VOLUNTEER WHO USES ANY TYPE OF
34 RESTRAINT ON A STUDENT OF THE INSTITUTE CHARTER SCHOOL TO SUBMIT
35 A WRITTEN REPORT OF THE INCIDENT TO THE ADMINISTRATION OF THE
36 INSTITUTE CHARTER SCHOOL NOT LATER THAN ONE SCHOOL DAY AFTER
37 THE INCIDENT OCCURRED.

14 (I) ANALYSIS OF INCIDENT REPORTS, INCLUDING CONSIDERATION
15 OF PROCEDURES USED DURING THE RESTRAINT, PREVENTATIVE OR
16 ALTERNATIVE TECHNIQUES ATTEMPTED, DOCUMENTATION, AND
17 FOLLOW-UP;

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

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

27 (I) THE ANTECEDENT OF THE STUDENT'S BEHAVIOR, IF KNOWN;
28 (II) A DESCRIPTION OF THE INCIDENT;

29 (III) ANY EFFORTS MADE TO DE-ESCALATE THE SITUATION;
30 (IV) ANY ALTERNATIVES TO THE USE OF RESTRAINTS THAT

31 ATTEMPTED;
32 (V) THE TYPE AND DURATION OF THE RESTRAINT USED;

33 (VI) ANY INJURIES THAT OCCURRED; AND
34 (VII) THE STAFF MEMBERS WHO WERE PRESENT AND STAFF
35 MEMBERS WHO WERE INVOLVED IN ADMINISTERING THE RESTRAINT.".

36 Renumber succeeding subsection accordingly.

37 Page 11, strike lines 14 through 24.

38 Renumber succeeding section accordingly.

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