

# HOUSE RESEARCH

## Bill Summary

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### Overview

Clarifies the conditions and circumstances under which school districts may use restrictive procedures or prone restraints on a child. Requires a report to the legislature on districts' progress in reducing and eliminating the use of restrictive procedures. Appropriates money to help school districts address the needs of children subject to high use of prone restraints.

#### Section

- 1 **Definitions.** (b) Provides examples of circumstances not within the definition of "emergency" for purposes of using restrictive procedures.  
(c) Makes technical changes.  
(f) Prohibits use of restrictive procedures to punish or otherwise discipline a child.  
(g) Qualifies the definition of "seclusion" by identifying when an adult may bar a child from leaving a room.  
Makes this section effective immediately.
- 2 **Standards for restrictive procedures.**  
**Subd. 1. Restrictive procedures plan.** (a) Requires schools intending to use restrictive procedures to make public a plan that: lists the procedures the school will use; describes the positive behavior strategies the school will use and provides links to mental health services; describes how the school will monitor and review use of these procedures, including post-use debriefings and oversight by a committee undertaking a

## **Section**

quarterly review of the use of the procedures; and describes and documents staff training.

(b) Requires schools to annually identify the membership of the oversight committee, which must include a mental health professional, a positive behavior strategies expert, and a general education and a special education administrator.

**Subd. 2. Restrictive procedures.** (a) Allows a highly qualified paraprofessional to use restrictive procedure.

(c) Requires a district to hold an individualized education program team meeting: within 10 days after staff uses restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's individualized education program or behavior intervention plan does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. Requires the district to review use of restrictive procedures at a child's annual individualized education program meeting when the child's individualized education program provides for use of restrictive procedures in an emergency.

(d) Requires a child's individualized education program team to consult with professionals or other experts when existing interventions or supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on 10 or more school days during the same school year.

(e) Directs the team during an individualized education program meeting under paragraph (c) to review any medical information a parent voluntarily provides.

**Subd. 3. Physical holding or seclusion.** (a) Imposes requirements on a school using physical holding or seclusion including prohibiting the school from using physical holding or seclusion to discipline a child. Allows a district to use prone restraints until August 2015. Strikes obsolete language.

(b) Requires stakeholders by March 1, 2014, to recommend to the education commissioner goals for reducing the use of restrictive procedures and directs the commissioner to report to the legislature on districts' progress in reducing use of restrictive procedures and recommendations for further reducing and eliminating use of these procedures. Strikes language requiring the department to develop a statewide plan. Directs the commissioner to consult with stakeholders when preparing the report. Strikes obsolete language. Requires districts to annually report to the department summary data on district use of restrictive procedures.

**Subd. 5. Training for staff.** (a) Requires staff who use restrictive procedures, including highly qualified paraprofessionals, to receive training in standards for using these procedures only in an emergency, district policies and procedures for reporting and documenting use of restrictive procedures, and schoolwide programs on positive behavior strategies, among other training.

## Section

(b) Directs the commissioner to develop and maintain a list of experts to help individualized education program teams reduce the use of restrictive procedures.

Makes this section effective immediately.

**3** **Appropriation.** Appropriates an unspecified sum from the general fund in fiscal year 2014 to the education commissioner to help school districts address the needs of children subject to the use of prone restraints and work with the human services commissioner to coordinate appropriations, resources, and staff to help these children.

Makes this section effective July 1, 2013.