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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1024

02/18/2015 Authored by Davnie, Erickson, Ward and Clark

The bill was read for the first time and referred to the Committee on Education Innovation Policy

03/09/2015 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education; modifying certain restrictive procedure provisions;
1.3 providing training and technical assistance to school districts to reduce use of
1.4 seclusion and restraint; appropriating money; amending Minnesota Statutes
1.5 2014, section 125A.0942, subdivision 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 125A.0942, subdivision 3, is amended to
1.8 read:

1.9 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be
1.10 used only in an emergency. A school that uses physical holding or seclusion shall meet the
1.11 following requirements:

1.12 (1) physical holding or seclusion is the least intrusive intervention that effectively
1.13 responds to the emergency;

1.14 (2) physical holding or seclusion is not used to discipline a noncompliant child;

1.15 (3) physical holding or seclusion ends when the threat of harm ends and the staff
1.16 determines the child can safely return to the classroom or activity;

1.17 (4) staff directly observes the child while physical holding or seclusion is being used;

1.18 (5) each time physical holding or seclusion is used, the staff person who implements
1.19 or oversees the physical holding or seclusion documents, as soon as possible after the
1.20 incident concludes, the following information:

1.21 (i) a description of the incident that led to the physical holding or seclusion;

1.22 (ii) why a less restrictive measure failed or was determined by staff to be
1.23 inappropriate or impractical;

1.24 (iii) the time the physical holding or seclusion began and the time the child was
1.25 released; and

(iv) a brief record of the child's behavioral and physical status;

(6) the room used for seclusion must:

(i) be at least six feet by five feet;

(ii) be well lit, well ventilated, adequately heated, and clean;

(iii) have a window that allows staff to directly observe a child in seclusion;

(iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;

(v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and

(vi) not contain objects that a child may use to injure the child or others;

(7) before using a room for seclusion, a school must:

(i) receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and

(ii) register the room with the commissioner, who may view that room; and

(8) until August 1, 2015, a school district may use prone restraints with children age five or older if:

(i) the district has provided to the department a list of staff who have had specific training on the use of prone restraints;

(ii) the district provides information on the type of training that was provided and by whom;

(iii) only staff who received specific training use prone restraints;

(iv) each incident of the use of prone restraints is reported to the department within five working days on a form provided by the department; and

(v) the district, before using prone restraints, must review any known medical or psychological limitations that contraindicate the use of prone restraints.

The department must collect data on districts' use of prone restraints and publish the data in a readily accessible format on the department's Web site on a quarterly basis.

(b) By February 1, 2015, and annually thereafter, stakeholders ~~must~~ may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of prone restraints. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of prone restraints; and

recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. By June 30 each year, districts must report summary data on their use of restrictive procedures to the department, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **TRAINING AND TECHNICAL ASSISTANCE TO REDUCE DISTRICT USE OF SECLUSION AND RESTRAINT; APPROPRIATION.**

\$750,000 in fiscal year 2016 is appropriated from the general fund to the commissioner of education for providing school districts with training and technical assistance to reduce district use of seclusion and restraint on students with complex needs. Of this appropriation, \$500,000 is available to the commissioner to reimburse school districts for the cost of hiring experts to provide staff training in reducing district use of seclusion and restraint on students with complex needs. Of this appropriation, \$250,000 is available to the commissioner for the costs of providing specialized training and assistance to school districts with a high use of seclusion and restraint on students with complex needs. The commissioner may contract with experts from intermediate school districts teams or level four programs to provide the specialized training and technical assistance. Any funds unexpended in fiscal year 2016 do not cancel but carry forward into the next fiscal year.

EFFECTIVE DATE. This section is effective July 1, 2015.