

[First Reprint]

**ASSEMBLY, No. 501**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman DAVID C. RUSSO**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**SYNOPSIS**

Establishes certain requirements for use of restraint and seclusion on students with disabilities in school districts, educational services commissions, and approved private schools for students with disabilities.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health and Senior Services Committee on December 18, 2017, with amendments.



**(Sponsorship Updated As Of: 12/15/2017)**

1 AN ACT concerning the use of physical restraint <sup>1</sup>and seclusion  
 2 techniques<sup>1</sup> on students with disabilities and supplementing  
 3 chapter 46 of Title 18A of the New Jersey Statutes.

4  
 5 **BE IT ENACTED** by the Senate and General Assembly of the State  
 6 of New Jersey:

7  
 8 <sup>1</sup>1. As used in this act:

9 “Physical restraint” means the use of a personal restriction that  
 10 immobilizes or reduces the ability of a student to move all or a  
 11 portion of his or her body.

12 “Seclusion technique” means the involuntary confinement of a  
 13 student alone in a room or area from which the student is physically  
 14 prevented from leaving, but does not include a timeout.

15 “Timeout” means a behavior management technique that  
 16 involves the monitored separation of a student in a non-locked  
 17 setting, and is implemented for the purpose of calming.<sup>1</sup>

18  
 19 <sup>1</sup>**[1.]** 2. a.<sup>1</sup> A school district <sup>1</sup>, an educational services  
 20 commission,<sup>1</sup> or an approved private school for students with  
 21 disabilities that utilizes physical restraint on students with  
 22 disabilities shall ensure that:

23 <sup>1</sup>**[a.]** (1) physical restraint is used only in an emergency in  
 24 which the student is exhibiting behavior that places the student or  
 25 others in immediate physical danger;

26 (2)<sup>1</sup> a student is not restrained in the prone position, unless <sup>1</sup>**[a]**  
 27 the student’s primary care<sup>1</sup> physician authorizes <sup>1</sup>, in writing,<sup>1</sup> the  
 28 use of this restraint technique;

29 <sup>1</sup>**[b.]** (3)<sup>1</sup> staff members who are involved in the restraint of a  
 30 student receive training in safe techniques for physical restraint  
 31 <sup>1</sup>from an entity determined by the board of education to be qualified  
 32 to provide such training,<sup>1</sup> and that the training is updated at least  
 33 annually; <sup>1</sup>**[and**

34 **c.]** (4)<sup>1</sup> the parent or guardian of a student is immediately  
 35 notified when physical restraint is used on that student, which  
 36 notification may be by telephone or electronic communication. A  
 37 full written report of the incident of physical restraint shall be  
 38 provided to the parent or guardian within <sup>1</sup>**[24]** 48<sup>1</sup> hours of the  
 39 occurrence of the incident <sup>1</sup>;

40 (5) each incident in which a physical restraint is used is  
 41 carefully and continuously visually monitored to ensure that it was  
 42 used in accordance with established procedures set forth in a board  
 43 policy developed in conjunction with the entity that trains staff in

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly AHE committee amendments adopted December 18, 2017.

1 safe techniques for physical restraint, in order to protect the safety  
2 of the child and others; and

3 (6) each incident in which physical restraint is used is  
4 documented in writing in sufficient detail to enable the staff to use  
5 this information to develop or improve the behavior intervention  
6 plan at the next individualized education plan meeting.

7 b. A school district, an educational services commission, and  
8 an approved private school for students with disabilities shall  
9 attempt to minimize the use of physical restraints through inclusion  
10 of positive behavior supports in the student's behavior intervention  
11 plans developed by the individualized education plan team<sup>1</sup>.

12  
13 <sup>1</sup>3. a. A school district, an educational services commission, or  
14 an approved private school for students with disabilities that utilizes  
15 seclusion techniques on students with disabilities shall ensure that:

16 (1) a seclusion technique is used on a student with disabilities  
17 only in an emergency in which the student is exhibiting behavior  
18 that places the student or others in immediate physical danger;

19 (2) each incident in which a seclusion technique is used is  
20 carefully and continuously visually monitored to ensure that it was  
21 used in accordance with established procedures set forth in a board  
22 policy developed in conjunction with the entity that trains staff in  
23 safe techniques for physical restraint, in order to protect the safety  
24 of the child and others; and

25 (3) each incident in which a seclusion technique is used is  
26 documented in writing in sufficient detail to enable the staff to use  
27 this information to develop or improve the behavior intervention  
28 plan at the next individualized education plan meeting.

29 b. A school district, an educational services commission, and  
30 an approved private school for students with disabilities shall  
31 attempt to minimize the use of seclusion techniques through  
32 inclusion of positive behavior supports in the student's behavior  
33 intervention plans developed by the individualized education plan  
34 team.<sup>1</sup>

35  
36 <sup>1</sup>4. The Department of Education shall establish guidelines for  
37 school districts, educational services commissions, and approved  
38 private schools for students with disabilities to ensure that a review  
39 process is in place to examine the use of physical restraints or  
40 seclusion techniques in emergency situations, and for the repeated  
41 use of these methods for an individual child, within the same  
42 classroom, or by a single individual. The review process shall  
43 include educational, clinical, and administrative personnel.  
44 Pursuant to the review process the student's individualized  
45 education plan team may, as deemed appropriate, determine to  
46 revise the behavior intervention plan or classroom supports, and a  
47 school district, educational services commission, or approved

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1 private school for students with disabilities may determine to revise  
2 a staff member's professional development plan.<sup>1</sup>

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4 <sup>1</sup>**[2.]** 5.<sup>1</sup> This act shall take effect immediately.