

[First Reprint]

SENATE, No. 1163

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

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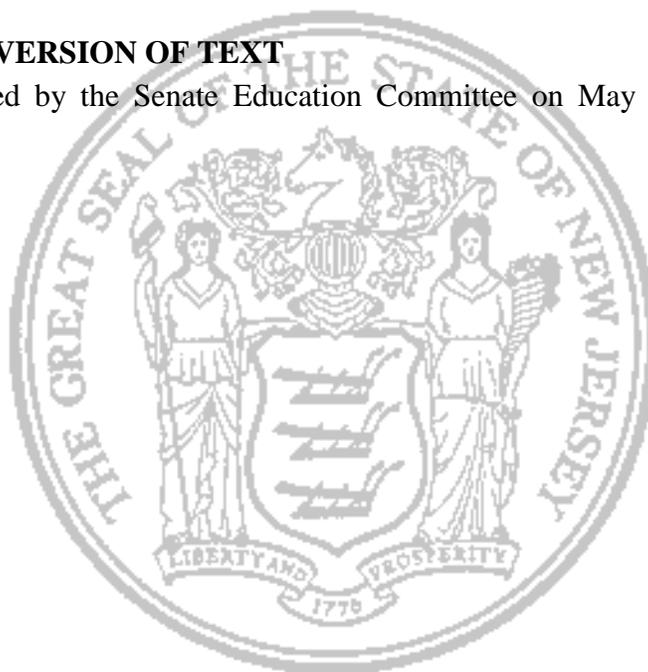
Senator O'Toole

SYNOPSIS

Establishes certain requirements for use of restraint and seclusion on students with disabilities in school districts and approved private schools for students with disabilities; requires DOE to collect and report data regarding restraint and seclusion.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on May 23, 2016, with amendments.



(Sponsorship Updated As Of: 10/6/2017)

1 AN ACT concerning the use of physical restraint and seclusion
2 techniques 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 1. As used in this act:

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

12 “Timeout” means a behavior management technique that
13 involves the monitored separation of a student in a non-locked
14 setting, and is implemented for the purpose of calming.

15
16 2. ¹a.¹ A school district or an approved private school for
17 students with disabilities that utilizes physical restraint on students
18 with disabilities shall ensure that:

19 ¹**[a.]** (1) physical restraint is used only in an emergency in
20 which the student is exhibiting behavior that places the student or
21 others in immediate physical danger;

22 ¹(2) a student is not restrained in the prone position, unless the
23 student’s primary care physician authorizes the use of this restraint
24 technique;

25 ¹**[b.]** (3)¹ staff members who are involved in the restraint of a
26 student receive training in safe techniques for physical restraint and
27 that the training is updated at least annually; ¹**[and**

28 **c.]** (4)¹ the parent or guardian of a student is immediately
29 notified when physical restraint is used on that student, which
30 notification may be by telephone or electronic communication. A
31 full written report of the incident of physical restraint shall be
32 provided to the parent or guardian within ¹**[24]** ¹48¹ hours of the
33 occurrence of the incident ¹;

34 (5) each incident in which a physical restraint is used is
35 carefully and continuously visually monitored to ensure the
36 appropriateness of its use and the safety of the child; and

37 (6) each incident in which physical restraint is used is
38 documented in writing in sufficient detail to enable the staff to
39 understand the student’s behavior over time and use this
40 information to develop or improve the behavior intervention plan.

41 b. A school district and an approved private school for students
42 with disabilities shall attempt to minimize the use of physical
43 restraints through the development and implementation of

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:

¹Senate SED committee amendments adopted May 23, 2016.

1 individualized, comprehensive, positive behavior intervention
2 plans¹ .

3

4 3. ¹a.¹ A school district or an approved private school for
5 students with disabilities that utilizes seclusion techniques on
6 students with disabilities shall ensure that ¹;

7 (1)¹ a seclusion technique is used on a student with disabilities
8 only with the prior written consent of the student's primary care
9 physician ¹or in an emergency in which the student is exhibiting
10 behavior that places the student or others in immediate physical
11 danger;

12 (2) each incident in which a seclusion technique is used is
13 carefully and continuously visually monitored to ensure the
14 appropriateness of its use and the safety of the child; and

15 (3) each incident in which a seclusion technique is used is
16 documented in writing in sufficient detail to enable the staff to
17 understand the student's behavior over time and use this
18 information to develop or improve the behavior intervention plan.

19 b. A school district and an approved private school for students
20 with disabilities shall attempt to minimize the use of seclusion
21 techniques through the development and implementation of
22 individualized, comprehensive, positive behavior intervention
23 plans¹ .

24

25 4. ¹a.¹ The Department of Education shall annually collect
26 data from school districts and approved private schools for students
27 with disabilities on the number of times a physical restraint or a
28 seclusion technique was utilized on a student ¹and the type and
29 duration of the physical restraint or seclusion technique that was
30 utilized,¹ and the number of students on which a physical restraint
31 or a seclusion technique was utilized. The department shall publish
32 the data annually on its website in a manner that protects student
33 privacy. ¹The data published on the website shall be disaggregated
34 by county and by the race, gender, and age of the student.

35 b. The department shall review the data annually and shall
36 provide assistance to those school districts and approved private
37 schools for students with disabilities for which the data indicate a
38 high incidence of the use of physical restraint or seclusion
39 techniques, on recommended methods for reducing the use of
40 physical restraint or seclusion techniques.

41 c. The department shall establish guidelines for school districts
42 and approved private schools for students with disabilities to ensure
43 that a review process is in place to examine the use of physical
44 restraints or seclusion techniques in emergency situations, and for
45 the repeated use of these methods for an individual child, within the
46 same classroom, or by a single individual. The review process
47 shall include educational, clinical, and administrative personnel.

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1 Pursuant to the review process the school district or approved
2 private school for students with disabilities may, as deemed
3 appropriate, determine to revise a behavior intervention plan,
4 classroom supports, or a staff member's professional development
5 plan.¹

6

7 5. This act shall take effect immediately.