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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: 1/9/2018)

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 ²“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.²

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.

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

23 ¹**[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)¹ a student is not restrained in the prone position, unless the
27 student’s primary care physician authorizes ², in writing,² the use of
28 this restraint technique;

29 ¹**[b.]** (3)¹ staff members who are involved in the restraint of a
30 student receive training in safe techniques for physical restraint
31 ²from an entity determined by the board of education to be qualified
32 to provide such training,² and that the training is updated at least
33 annually; ¹**[and**

34 **c.]** (4)¹ 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 ¹**[24]** ¹48¹ hours of the
39 occurrence of the incident ¹;

40 (5) each incident in which a physical restraint is used is
41 carefully and continuously visually monitored to ensure ²**[the**
42 **appropriateness of its use and]** that it was used in accordance with
43 established procedures set forth in a board policy developed 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:

¹Senate SED committee amendments adopted May 23, 2016.

²Assembly AHE committee amendments adopted December 18, 2017.

1 conjunction with the entity that trains staff in safe techniques for
2 physical restraint, in order to protect² the safety of the child ²and
3 others²; and

4 (6) each incident in which physical restraint is used is
5 documented in writing in sufficient detail to enable the staff to
6 ²【understand the student’s behavior over time and】² use this
7 information to develop or improve the behavior intervention plan
8 ²at the next individualized education plan meeting².

9 b. A school district ², an educational services commission, ² and
10 an approved private school for students with disabilities shall
11 attempt to minimize the use of physical restraints through ²【the
12 development and implementation of individualized, comprehensive,
13 positive behavior intervention plans¹】 inclusion of positive
14 behavior supports in the student’s behavior intervention plans
15 developed by the individualized education plan team².

16
17 3. ¹a.¹ A school district ², an educational services
18 commission, ² or an approved private school for students with
19 disabilities that utilizes seclusion techniques on students with
20 disabilities shall ensure that ¹:

21 (1)¹ a seclusion technique is used on a student with disabilities
22 only ²【with the prior written consent of the student’s primary care
23 physician ¹or】² in an emergency in which the student is exhibiting
24 behavior that places the student or others in immediate physical
25 danger;

26 (2) each incident in which a seclusion technique is used is
27 carefully and continuously visually monitored to ensure ²【the
28 appropriateness of its use and】 that it was used in accordance with
29 established procedures set forth in a board policy developed in
30 conjunction with the entity that trains staff in safe techniques for
31 physical restraint, in order to protect² the safety of the child ²and
32 others²; and

33 (3) each incident in which a seclusion technique is used is
34 documented in writing in sufficient detail to enable the staff to
35 ²【understand the student’s behavior over time and】² use this
36 information to develop or improve the behavior intervention plan
37 ²at the next individualized education plan meeting².

38 b. A school district ², an educational services commission, ² and
39 an approved private school for students with disabilities shall
40 attempt to minimize the use of seclusion techniques through ²【the
41 development and implementation of individualized, comprehensive,
42 positive behavior intervention plans¹】 inclusion of positive
43 behavior supports in the student’s behavior intervention plans
44 developed by the individualized education plan team².

1 4. ²[¹a.¹ The Department of Education shall annually collect
2 data from school districts and approved private schools for students
3 with disabilities on the number of times a physical restraint or a
4 seclusion technique was utilized on a student ¹and the type and
5 duration of the physical restraint or seclusion technique that was
6 utilized,¹ and the number of students on which a physical restraint
7 or a seclusion technique was utilized. The department shall publish
8 the data annually on its website in a manner that protects student
9 privacy. ¹The data published on the website shall be disaggregated
10 by county and by the race, gender, and age of the student.

11 b. The department shall review the data annually and shall
12 provide assistance to those school districts and approved private
13 schools for students with disabilities for which the data indicate a
14 high incidence of the use of physical restraint or seclusion
15 techniques, on recommended methods for reducing the use of
16 physical restraint or seclusion techniques.

17 c.² The department shall establish guidelines for school districts
18 ², educational services commissions,² and approved private schools
19 for students with disabilities to ensure that a review process is in
20 place to examine the use of physical restraints or seclusion
21 techniques in emergency situations, and for the repeated use of
22 these methods for an individual child, within the same classroom, or
23 by a single individual. The review process shall include
24 educational, clinical, and administrative personnel. Pursuant to the
25 review process the ²[school district or approved private school for
26 students with disabilities] student's individualized education plan
27 team² may, as deemed appropriate, determine to revise ²[a] the²
28 behavior intervention plan ²[,] or² classroom supports, ²[or] and a
29 school district, educational services commission, or approved
30 private school for students with disabilities may determine to
31 revise² a staff member's professional development plan.¹

32

33 5. This act shall take effect immediately.