

SENATE, No. 4101

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED SEPTEMBER 10, 2019

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Provides that entities which train educational personnel in use of physical restraints be approved by DOE; requires annual report on incidents of use of techniques.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the use of physical restraints in public schools
2 and amending P.L.2017, c.291.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.2017, c.291 (C.18A:46-13.5) is amended to
8 read as follows:

9 2. a. A school district, an educational services commission, or
10 an approved private school for students with disabilities that utilizes
11 physical restraint on students with disabilities shall ensure that:

12 (1) physical restraint is used only in an emergency in which the
13 student is exhibiting behavior that places the student or others in
14 immediate physical danger;

15 (2) a student is not restrained in the prone position, unless the
16 student's primary care physician authorizes, in writing, the use of
17 this restraint technique;

18 (3) staff members who are involved in the restraint of a student
19 receive training in safe techniques for physical restraint from an
20 entity **【determined by the board of education to be】** approved by
21 the Department of Education as qualified to provide such training,
22 and that the training is updated at least annually;

23 (4) the parent or guardian of a student is immediately notified
24 when physical restraint is used on that student, which notification
25 may be by telephone or electronic communication. A full written
26 report of the incident of physical restraint shall be provided to the
27 parent or guardian within 48 hours of the occurrence of the
28 incident;

29 (5) each incident in which a physical restraint is used is
30 carefully and continuously visually monitored to ensure that it was
31 used in accordance with established procedures set forth in a board
32 policy developed in conjunction with the entity approved by the
33 department that trains staff in safe techniques for physical restraint,
34 in order to protect the safety of the child and others; and

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

39 b. A school district, an educational services commission, and
40 an approved private school for students with disabilities shall
41 attempt to minimize the use of physical restraints through inclusion
42 of positive behavior supports in the student's behavior intervention
43 plans developed by the individualized education plan team.
44 (cf: P.L.2017, c.291, s.2)

45
46 2. Section 3 of P.L.2017, c.291 (C.18A:46-13.6) is amended to
47 read as follows:

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.

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

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

8 (2) each incident in which a seclusion technique is used is
9 carefully and continuously visually monitored to ensure that it was
10 used in accordance with established procedures set forth in a board
11 policy developed in conjunction with the entity approved by the
12 department that trains staff in safe techniques for physical restraint,
13 in order to protect the safety of the child and others; and

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

18 b. A school district, an educational services commission, and
19 an approved private school for students with disabilities shall
20 attempt to minimize the use of seclusion techniques through
21 inclusion of positive behavior supports in the student's behavior
22 intervention plans developed by the individualized education plan
23 team.

24 (cf: P.L.2017, c.291, s.3)

25
26 3. Section 4 of P.L.2017, c.291 (C.18A:46-13.7) is amended to
27 read as follows:

28 4. a. The department shall establish guidelines for school
29 districts, educational services commissions, and approved private
30 schools for students with disabilities to ensure that a review process
31 is in place to examine the use of physical restraints or seclusion
32 techniques in emergency situations, and for the repeated use of
33 these methods for an individual child, within the same classroom, or
34 by a single individual. The review process shall include
35 educational, clinical, and administrative personnel. Pursuant to the
36 review process the student's individualized education plan team
37 may, as deemed appropriate, determine to revise the behavior
38 intervention plan or classroom supports, and a school district,
39 educational services commission, or approved private school for
40 students with disabilities may determine to revise a staff member's
41 professional development plan.

42 b. Each school district, educational services commission, and
43 approved private school for students with disabilities shall file with
44 the department by September 1 of each school year, a report that
45 details the number of incidents in the prior school year in which a
46 physical restraint, seclusion technique, or timeout was used on a
47 student with disabilities. The report shall be in such form and
48 contain such additional information as determined by the

1 department, and upon its receipt the department shall make the
2 report available to the public on its Internet website in an easily
3 accessible location.

4 (cf: P.L.2017, c.291, s.4)

5

6 4. This act shall take effect in the first full school year
7 following the date of enactment.

8

9

10 STATEMENT

11

12 In January of 2018, legislation was enacted, P.L.2017, c.291
13 (C.18A:46-13.4 et seq.), to require that school districts, educational
14 services commissions, and private schools for students with
15 disabilities follow certain procedures in the use of physical
16 restraints, seclusion techniques, and timeouts on students with
17 disabilities. Under that law, staff members who are involved in the
18 restraint of students must receive training in safe techniques for
19 physical restraint from an entity determined by the board of
20 education as qualified to provide such training. This bill provides
21 that an entity selected to provide the training must be approved by
22 the Department of Education.

23 The bill also requires a school district, educational services
24 commission, or private school for students with disabilities to file a
25 report with the department by September 1 of each school year that
26 details the number of incidents in the prior school year in which a
27 physical restraint, seclusion technique, or timeout was used on a
28 student with disabilities. The report will include any other
29 information the department determines to be necessary, and the
30 report will be made available to the public on the department's
31 Internet website in an easily accessible location.