

REFERENCE TITLE: pupils; restraint; seclusion; requirements

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1459

Introduced by
Senators Ward, Miranda

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-105; RELATING TO THE RESTRAINT AND SECLUSION OF SCHOOL PUPILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 15-105, to read:

4 15-105. Use of restraint and seclusion techniques:
5 requirements; definitions

6 A. A SCHOOL MAY PERMIT THE USE OF RESTRAINT OR SECLUSION TECHNIQUES ON
7 ANY PUPIL IF BOTH OF THE FOLLOWING APPLY:

8 1. THE PUPIL'S BEHAVIOR PRESENTS AN IMMINENT DANGER OF SERIOUS
9 PHYSICAL HARM TO THE PUPIL OR OTHERS.

10 2. LESS RESTRICTIVE INTERVENTIONS APPEAR INSUFFICIENT TO MITIGATE THE
11 IMMINENT DANGER OF SERIOUS PHYSICAL HARM.

12 B. IF A RESTRAINT OR SECLUSION TECHNIQUE IS USED ON A PUPIL:

13 1. SCHOOL PERSONNEL SHALL MAINTAIN CONTINUOUS VISUAL OBSERVATION AND
14 MONITORING OF THE PUPIL WHILE THE RESTRAINT OR SECLUSION TECHNIQUE IS IN
15 USE.

16 2. THE RESTRAINT OR SECLUSION TECHNIQUE SHALL END WHEN THE PUPIL'S
17 BEHAVIOR NO LONGER PRESENTS AN IMMINENT DANGER TO THE PUPIL OR OTHERS.

18 3. THE RESTRAINT OR SECLUSION TECHNIQUE SHALL BE USED ONLY BY SCHOOL
19 PERSONNEL WHO ARE TRAINED IN THE SAFE AND EFFECTIVE USE OF RESTRAINT AND
20 SECLUSION TECHNIQUES UNLESS AN EMERGENCY SITUATION DOES NOT ALLOW SUFFICIENT
21 TIME TO SUMMON THOSE TRAINED PERSONNEL.

22 4. THE RESTRAINT TECHNIQUE EMPLOYED MAY NOT IMPEDE THE PUPIL'S ABILITY
23 TO BREATHE.

24 5. THE RESTRAINT TECHNIQUE MAY NOT BE OUT OF PROPORTION TO THE PUPIL'S
25 AGE OR PHYSICAL CONDITION.

26 C. SCHOOLS MAY ESTABLISH POLICIES AND PROCEDURES FOR THE USE OF
27 RESTRAINT OR SECLUSION TECHNIQUES IN A SCHOOL SAFETY OR CRISIS INTERVENTION
28 PLAN IF THE PLAN IS NOT SPECIFIC TO ANY INDIVIDUAL PUPIL.

29 D. SCHOOLS SHALL ESTABLISH REPORTING AND DOCUMENTATION PROCEDURES TO
30 BE FOLLOWED WHEN A RESTRAINT OR SECLUSION TECHNIQUE HAS BEEN USED ON A
31 PUPIL. THE PROCEDURES SHALL INCLUDE THE FOLLOWING REQUIREMENTS:

32 1. SCHOOL PERSONNEL SHALL PROVIDE THE PUPIL'S PARENT OR GUARDIAN WITH
33 WRITTEN OR ORAL NOTICE ON THE SAME DAY THAT THE INCIDENT OCCURRED, UNLESS
34 CIRCUMSTANCES PREVENT SAME-DAY NOTIFICATION. IF THE NOTICE IS NOT PROVIDED
35 ON THE SAME DAY OF THE INCIDENT, NOTICE SHALL BE GIVEN WITHIN TWENTY-FOUR
36 HOURS AFTER THE INCIDENT.

37 2. WITHIN A REASONABLE TIME FOLLOWING THE INCIDENT, SCHOOL PERSONNEL
38 SHALL PROVIDE THE PUPIL'S PARENT OR GUARDIAN WITH WRITTEN DOCUMENTATION THAT
39 INCLUDES INFORMATION ABOUT ANY PERSONS, LOCATIONS OR ACTIVITIES THAT MAY HAVE
40 TRIGGERED THE BEHAVIOR, IF KNOWN, AND SPECIFIC INFORMATION ABOUT THE BEHAVIOR
41 AND ITS PRECURSORS, THE TYPE OF RESTRAINT OR SECLUSION TECHNIQUE USED AND THE
42 DURATION OF ITS USE.

43 3. SCHOOLS SHALL REVIEW STRATEGIES USED TO ADDRESS A PUPIL'S DANGEROUS
44 BEHAVIOR IF THERE HAS BEEN REPEATED USE OF RESTRAINT OR SECLUSION TECHNIQUES
45 FOR AN INDIVIDUAL STUDENT DURING A SCHOOL YEAR. THE REVIEW SHALL INCLUDE A

1 REVIEW OF THE INCIDENTS IN WHICH RESTRAINT OR SECLUSION TECHNIQUE WERE USED
2 AND AN ANALYSIS OF HOW FUTURE INCIDENTS MAY BE AVOIDED, INCLUDING WHETHER THE
3 PUPIL REQUIRES A FUNCTIONAL BEHAVIORAL ASSESSMENT.

4 E. IF A SCHOOL DISTRICT OR CHARTER SCHOOL SUMMONS LAW ENFORCEMENT
5 INSTEAD OF USING A RESTRAINT OR SECLUSION TECHNIQUE ON A PUPIL, THE SCHOOL
6 SHALL COMPLY WITH THE REPORTING, DOCUMENTATION AND REVIEW PROCEDURES
7 ESTABLISHED UNDER SUBSECTION D OF THIS SECTION.

8 F. THIS SECTION DOES NOT PROHIBIT SCHOOLS FROM ADOPTING POLICIES
9 PURSUANT TO SECTION 15-843, SUBSECTION B, PARAGRAPH 3.

10 H. FOR THE PURPOSES OF THIS SECTION:

11 1. "RESTRAINT" MEANS ANY METHOD OR DEVICE THAT IMMOBILIZES OR REDUCES
12 THE ABILITY OF A PUPIL TO MOVE THE PUPIL'S TORSO, ARMS, LEGS OR HEAD FREELY,
13 INCLUDING PHYSICAL FORCE OR MECHANICAL DEVICES. RESTRAINT DOES NOT INCLUDE
14 ANY OF THE FOLLOWING:

15 (a) METHODS OR DEVICES IMPLEMENTED BY TRAINED SCHOOL PERSONNEL OR USED
16 BY A PUPIL FOR THE SPECIFIC AND APPROVED THERAPEUTIC OR SAFETY PURPOSES FOR
17 WHICH THE METHOD OR DEVICE IS DESIGNED AND, IF APPLICABLE, PRESCRIBED.

18 (b) THE TEMPORARY TOUCHING OR HOLDING OF THE HAND, WRIST, ARM,
19 SHOULDER OR BACK FOR THE PURPOSE OF INDUCING A PUPIL TO COMPLY WITH A
20 REASONABLE REQUEST OR TO GO TO A SAFE LOCATION.

21 (c) THE BRIEF HOLDING OF A PUPIL BY ONE ADULT FOR THE PURPOSE OF
22 CALMING OR COMFORTING THE PUPIL.

23 (d) PHYSICAL FORCE USED TO TAKE A WEAPON AWAY FROM A PUPIL OR TO
24 SEPARATE AND REMOVE A PUPIL FROM ANOTHER PERSON WHEN THE PUPIL IS ENGAGED IN
25 A PHYSICAL ASSAULT ON ANOTHER PERSON.

26 2. "SCHOOL" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL, A PUBLIC OR
27 PRIVATE SPECIAL EDUCATION SCHOOL THAT PROVIDES SERVICES TO PUPILS PLACED BY A
28 PUBLIC SCHOOL, THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND AND A
29 PRIVATE SCHOOL.

30 3. "SECLUSION" MEANS THE INVOLUNTARY CONFINEMENT OF A PUPIL ALONE IN A
31 ROOM FROM WHICH EGRESS IS PREVENTED. SECLUSION DOES NOT INCLUDE THE USE OF A
32 VOLUNTARY BEHAVIOR MANAGEMENT TECHNIQUE, INCLUDING A TIMEOUT LOCATION, AS
33 PART OF A PUPIL'S EDUCATION PLAN, INDIVIDUAL SAFETY PLAN, BEHAVIORAL PLAN OR
34 INDIVIDUALIZED EDUCATION PROGRAM THAT INVOLVES THE PUPIL'S SEPARATION FROM A
35 LARGER GROUP FOR PURPOSES OF CALMING.