

SENATE, No. 1163

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex, Morris and Passaic)

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 introduced.



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.

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

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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.

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

19 a. a student is not restrained in the prone position, unless the
20 student’s primary care physician authorizes the use of this restraint
21 technique;

22 b. staff members who are involved in the restraint of a student
23 receive training in safe techniques for physical restraint and that the
24 training is updated at least annually; and

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

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31 3. A school district or an approved private school for students
32 with disabilities that utilizes seclusion techniques on students with
33 disabilities shall ensure that a seclusion technique is used on a
34 student with disabilities only with the prior written consent of the
35 student’s primary care physician.

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37 4. The Department of Education shall annually collect data
38 from school districts and approved private schools for students with
39 disabilities on the number of times a physical restraint or a
40 seclusion technique was utilized on a student and the number of
41 students on which a physical restraint or a seclusion technique was
42 utilized. The department shall publish the data annually on its
43 website in a manner that protects student privacy.

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45 5. This act shall take effect immediately.

STATEMENT

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This bill requires a school district or an approved private school for students with disabilities that chooses to utilize physical restraint on students with disabilities to ensure that:

- a student is not restrained in the prone position unless the student's primary care physician authorizes the use of this restraint technique;
- staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint. This training must be updated at least annually; and
- the parent or guardian of a student is immediately notified by telephone or through some means of electronic communication when physical restraint has been used on the student. A full written report of the incident must be provided to the parent or guardian within 24 hours of the occurrence of the incident.

The bill also requires a school district or private school for students with disabilities to ensure that a seclusion technique is used on a student with disabilities only with the prior written consent of the student's primary care physician.

In addition, under the provisions of the bill, the Department of Education is required to annually collect and publish on its website data from school districts and private schools for students with disabilities on the number of students on which the district or private school used restraints or seclusion and the number of times restraints or seclusion was used.