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HOUSE BILL NO. 2599

Offered January 9, 2019

A BILL to amend and reenact § 22.1-279.1:1 of the Code of Virginia, relating to the use of seclusion and restraint in public schools.

Patrons—Bell, John J., Reid, Delaney, Gooditis, Levine and Murphy

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.1:1. The use of seclusion and restraint in public schools; limitations; reports; Board of Education regulations.

A. No school board employee shall restrain a student at school in a prone or facedown position. Nothing in this subsection shall be construed to prohibit the actions deemed appropriate by a school resource officer or another law-enforcement officer.

B. No student shall be placed in seclusion at school unless (i) the room or space in which he is secluded is free from all potentially dangerous or harmful materials or (ii) the student is continuously monitored in person or with live video monitoring.

C. The principal or his designee shall notify the parent of any student who is restrained or secluded at school of such incident on the day on which the incident occurs or as soon as practical after the incident occurs.

D. Each incident of seclusion or restraint shall be documented in a manner that describes the incident with sufficient detail, including the employee's rationale for restraining or secluding the student and the methods employed. Such documentation shall be provided to the school board, the principal, and the student's parent.

E. The Board shall adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth that (i) are consistent with subsections A through D and its Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations and the Fifteen Principles contained in the U.S. Department of Education's Restraint and Seclusion: Resource Document; (ii) include definitions, criteria for use, restrictions for use, training requirements, notification requirements, reporting requirements, and follow-up requirements; and (iii) address distinctions, including distinctions in emotional and physical development, between (a) the general student population and the special education student population and (b) elementary school students and secondary school students.

INTRODUCED

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