



February 22, 2017

SENATE BILL No. 61

DIGEST OF SB 61 (Updated February 20, 2017 12:49 pm - DI 128)

Citations Affected: IC 20-20; IC 20-26; noncode.

Synopsis: School resource officers. Requires a school resource officer to report all incidents of seclusion and restraint involving the school resource officer. Requires the commission on seclusion and restraint in schools (commission) to adopt rules concerning reporting requirements for the use of seclusion and restraint by school resource officers. Adds accredited nonpublic schools to the types of schools wherein a school resource officer must report incidents of seclusion and restraint. Provides that the commission may adopt emergency rules under IC 4-22-2-37.1. Voids a rule adopted by the commission that excludes school resource officers from the reporting requirements.

Effective: July 1, 2017.

Head

January 3, 2017, read first time and referred to Committee on Civil Law.
February 21, 2017, amended, reported favorably — Do Pass.

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February 22, 2017

First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 61

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-20-40-13, AS ADDED BY P.L.122-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 13. (a) The commission has the following duties:
4 (1) To adopt rules concerning the following:
5 (A) The use of restraint and seclusion in a school corporation
6 or an accredited nonpublic school, with an emphasis on
7 eliminating or minimizing the use of restraint and seclusion.
8 (B) The prevention of the use of types of restraint or seclusion
9 that may harm a student, a school employee, a school
10 volunteer, or the educational environment of the school.
11 (C) Requirements for notifying parents.
12 (D) Training regarding the use of restraint and seclusion,
13 including the frequency of training and what employees must
14 be trained.
15 (E) The distribution of the seclusion and restraint policy to
16 parents and the public.
17 (F) Requirements for the reporting of incidents of restraint and

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- 1 seclusion in the annual school performance report, **including**
 2 **incidents of restraint and seclusion involving school**
 3 **resource officers (as defined in IC 20-26-18.2-1).**
 4 (2) Before August 1, 2013, to develop a model restraint and
 5 seclusion plan for schools that includes the following elements:
 6 (A) A statement on how students will be treated with dignity
 7 and respect and how appropriate student behavior will be
 8 promoted and taught.
 9 (B) A statement ensuring that the school will use prevention,
 10 positive behavior intervention and support, and conflict
 11 deescalation to eliminate or minimize the need for use of any
 12 of the following:
 13 (i) Seclusion.
 14 (ii) Chemical restraint.
 15 (iii) Mechanical restraint.
 16 (iv) Physical restraint.
 17 (C) A statement ensuring that any behavioral intervention used
 18 will be consistent with the student's most current behavioral
 19 intervention plan, or individualized education program, if
 20 applicable.
 21 (D) Definitions for restraint and seclusion, as defined in this
 22 chapter.
 23 (E) A statement ensuring that if a procedure listed in clause
 24 (B) is used, the procedure will be used:
 25 (i) as a last resort safety procedure, employed only after
 26 another, less restrictive procedure has been implemented
 27 without success; and
 28 (ii) in a situation in which there is an imminent risk of injury
 29 to the student, other students, school employees, or visitors
 30 to the school.
 31 (F) An indication that restraint or seclusion may be used only
 32 for a short time period, or until the imminent risk of injury has
 33 passed.
 34 (G) A documentation and recording requirement governing
 35 instances in which procedures listed in clause (B) are used,
 36 including:
 37 (i) how every incident will be documented and debriefed;
 38 (ii) how responsibilities will be assigned to designated
 39 employees for evaluation and oversight; and
 40 (iii) designation of a school employee to be the keeper of
 41 such documents.
 42 (H) A requirement that the student's parent must be notified as



1 soon as possible when an incident involving the student occurs
2 that includes use of procedures listed in clause (B).

3 (I) A requirement that a copy of an incident report must be
4 sent to the student's parent after the student is subject to a
5 procedure listed in clause (B).

6 (J) Required recurrent training for appropriate school
7 employees on the appropriate use of effective alternatives to
8 physical restraint and seclusion, including the use of positive
9 behavioral intervention and support and conflict deescalation.
10 The training must include the safe use of physical restraint and
11 seclusion in incidents involving imminent danger or serious
12 harm to the student, school employees, or others.
13 Consideration must be given to available school resources and
14 the time commitments of school employees.

15 (b) The model policy developed by the commission must take into
16 consideration that implementation and reporting requirements for
17 accredited nonpublic schools may vary, and the model plan must
18 provide accredited nonpublic schools flexibility with regards to
19 accountability under and implementation of the plan adopted by an
20 accredited nonpublic school under section 14 of this chapter.

21 SECTION 2. IC 20-20-40-16, AS ADDED BY P.L.122-2013,
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2017]: Sec. 16. (a) The commission:

24 (1) shall adopt rules under IC 4-22-2; ~~to carry out the purposes of~~
25 ~~this chapter. and~~

26 (2) **may adopt emergency rules in the manner provided under**
27 **IC 4-22-2-37.1;**

28 **to carry out the purposes of this chapter.**

29 (b) **An emergency rule adopted under subsection (a)(2) expires**
30 **on the earlier of:**

31 (1) **November 15, 2018; or**

32 (2) **the effective date of a rule adopted under IC 4-22-2-22.5**
33 **through IC 4-22-2-36 that supersedes the emergency rule.**

34 SECTION 3. IC 20-26-18.2-4 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2017]: Sec. 4. **A school resource officer**
37 **assigned to a school corporation, an accredited nonpublic school,**
38 **or a charter school shall report all instances of:**

39 (1) **seclusion (as defined in IC 20-20-40-9);**

40 (2) **chemical restraint;**

41 (3) **mechanical restraint (as defined in IC 20-20-40-4); and**

42 (4) **physical restraint (as defined in IC 20-20-40-5);**



1 in accordance with the restraint and seclusion plan adopted by the
2 school corporation, accredited nonpublic school, or charter school
3 under IC 20-20-40-14.

4 SECTION 4. [EFFECTIVE JULY 1, 2017] (a) 513 IAC 1-2-1(b) is
5 void. The publisher of the Indiana Administrative Code and
6 Indiana Register shall remove this provision from the Indiana
7 Administrative Code.

8 (b) This SECTION expires July 1, 2018.



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 2. IC 20-20-40-16, AS ADDED BY P.L.122-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16. **(a)** The commission:

(1) shall adopt rules under IC 4-22-2; ~~to carry out the purposes of this chapter.~~ **and**

(2) may adopt emergency rules in the manner provided under IC 4-22-2-37.1;

to carry out the purposes of this chapter.

(b) An emergency rule adopted under subsection (a)(2) expires on the earlier of:

(1) November 15, 2018; or

(2) the effective date of a rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 that supersedes the emergency rule."

Page 3, line 24, after "corporation" insert ", **an accredited nonpublic school,**".

Page 3, line 31, after "corporation" insert ", **accredited nonpublic school,**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 61 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 5, Nays 0.

