

SENATE FILE NO. SF0036

Seclusion and restraint in schools.

Sponsored by: Senator(s) Case and Representative(s)
Barbuto

A BILL

for

1 AN ACT relating to public schools; requiring the state
2 superintendent to adopt rules and regulations regarding
3 seclusion and restraint in schools; requiring school
4 district boards to adopt policies regarding the use of
5 seclusion and restraint in schools as specified; defining
6 terms; and providing for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 21-2-202(a) by creating a new
11 paragraph (xxxii) and 21-3-110(a) by creating a new
12 paragraph (xxx) are amended to read:

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14 **21-2-202. Duties of the state superintendent.**

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1 (a) In addition to any other duties assigned by law,
2 the state superintendent shall:

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4 (xxxii) By rule and regulation adopted not later
5 than July 1, 2011 establish requirements for school
6 district policies regarding the use of seclusion and
7 restraint in schools as required under W.S.
8 21-3-110(a)(xxx). The state superintendent shall review
9 the policy of each district for compliance with the
10 requirements of W.S. 21-3-110(a)(xxx) and rules and
11 regulations promulgated pursuant to this paragraph. If the
12 state superintendent determines that the policy is not in
13 compliance under this paragraph the superintendent shall
14 direct the board of trustees to revise the policy and
15 shall, upon request, assist the board in the adoption of
16 the policy.

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18 **21-3-110. Duties of boards of trustees.**

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20 (a) The board of trustees in each school district
21 shall:

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23 (xxx) Not later than December 31, 2011, adopt a
24 policy regarding the use of seclusion and restraint in

1 schools. In addition to any requirements provided by rule
2 and regulation of the state superintendent pursuant to W.S.
3 21-2-202(a)(xxxii), the policy shall require that the
4 parent or legal guardian of the student shall be notified
5 each time that seclusion or restraint is utilized for the
6 student. The policy shall not be limited to any specified
7 group of students and shall apply any time that seclusion
8 or restraint is used for any student. The district shall
9 submit a copy of the policy to the state superintendent for
10 review as provided in W.S. 21-2-202(a)(xxxii) after the
11 initial adoption of the policy and any time thereafter that
12 the policy is substantially revised. As used in this
13 paragraph:

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15 (A) "Restraint" means the use of physical
16 force, with or without the use of any physical device or
17 material, to restrict the free movement of all or a portion
18 of a student's body. "Restraint" does not include
19 comforting or calming a student, holding the hand or arm of
20 a student to escort the student if the student is
21 complying, intervening in a fight or using a device
22 prescribed by an appropriate professional and consistent
23 with the student's individualized education program;
24

1 (B) "Seclusion" means removing a student
2 from a classroom or other school activity and isolating the
3 student in a separate supervised area. "Seclusion" does
4 not include a student requested break or in-school
5 suspension, detention or other appropriate disciplinary
6 measure.

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8 **Section 2.** This act is effective immediately upon
9 completion of all acts necessary for a bill to become law
10 as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

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13

(END)