

Introduced by

Senator Heckaman

1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota  
2 Century Code, relating to the adoption of a restraint and seclusion policy by school districts and  
3 the reporting of incidents of restraint and seclusion; and to provide an appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **School districts - Restraint and seclusion policy - Reports.**

8 1. As used in this section:

- 9 a. "Chemical restraint" means medication that is not a standard treatment for an  
10 individual's medical or psychological condition which is used to control the  
11 behavior or restrict the movement of an individual.
- 12 b. "Mechanical restraint" means the use of any device or equipment to restrict the  
13 movement of an individual.
- 14 c. "Physical restraint" means the use of the body of an individual to restrict or  
15 immobilize another individual from moving the individual's torso, arms, legs, or  
16 head. The term does not include a temporary touching or holding of the hand,  
17 wrist, arm, shoulder, or back to direct an individual to walk to another location.
- 18 d. "Restraint" means a chemical restraint, mechanical restraint, physical restraint, or  
19 any combination of chemical, mechanical, or physical restraints.
- 20 e. "Seclusion" means the involuntary confinement of an individual, alone, in a room  
21 or area from which the individual is physically prevented from leaving.
- 22 2. Before July 1, 2018, each school district shall adopt a policy regarding the use of  
23 restraint and seclusion methods by school district personnel.

- 1           a. Each school district policy must prohibit the use of restraint methods in any  
2           manner that restricts the breathing of a student.  
3           b. The policy must support the use of safety policies in extreme instances such as  
4           an active shooter situation.  
5           c. A copy of the policy must be filed with the superintendent of public instruction and  
6           the superintendent shall submit an annual report regarding school district policies  
7           to an interim committee designated by the legislative management.  
8           d. Each school district shall report all incidents of restraint and seclusion to the  
9           statewide longitudinal data system committee and the United States department  
10          of education office for civil rights.  
1           3. The statewide longitudinal data system committee shall include data regarding the use  
2           of restraint and seclusion in the report required under section 54-59-36.  
3           4. Each school district shall provide annual training to school district personnel on the  
4           appropriate use of restraint and seclusion methods under the school district policy.

5           **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the foundation  
6 aid stabilization fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or  
7 so much of the sum as may be necessary, to the department of public instruction for the  
8 purpose of training school district personnel on the proper use of restraint and seclusion  
9 methods, for the biennium beginning July 1, 2017, and ending June 30, 2019.