

ACT No. 479

HOUSE BILL NO. 684 (Substitute for House Bill No. 237 by Representative Mack)

BY REPRESENTATIVES MACK, BAYHAM, BERAULT, BILLINGS, WILFORD CARTER, CARVER, COATES, DICKERSON, EDMONSTON, JACKSON, OWEN, SPELL, AND WYBLE AND SENATORS BARROW, CLOUD, CONNICK, EDMONDS, FESI, FOIL, HENRY, MCMATH, MIGUEZ, PRESSLY, PRICE, SELDERS, AND STINE

1 AN ACT

2 To amend and reenact R.S. 17:7(5)(b)(i), 416.1(B)(3)(b), 416.21, 1944.1(A) and
3 (D)(1)(introductory paragraph), 1948(A) and (B), to enact R.S. 17:7.2(A)(10),
4 8.1(A)(8), 1944.1(D)(1)(d), and 1948(A)(3), and to repeal R.S. 17:1948(C)(7) and
5 (9) and (G), relative to the behavior of students with exceptionalities; to provide
6 relative to the use of seclusion and seclusion rooms; to provide relative to the use of
7 physical restraint; to provide for reporting and documentation; to require the
8 installation of cameras in special education classrooms; to require teacher
9 preparation programs to include instruction on the use of seclusion and physical
10 restraint of students with exceptionalities; to provide for effectiveness; and to
11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:7(5)(b)(i), 416.1(B)(3)(b), 416.21, and 1944.1(A) and
14 (D)(1)(introductory paragraph) are hereby amended and reenacted and R.S. 17:7.2(A)(10),
15 8.1(A)(8), 1944.1(D)(1)(d), and 1948(A)(3) are hereby enacted to read as follows:

16 §7. Duties, functions, and responsibilities of board

17 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and
18 responsibilities vested by any other applicable laws, the board shall:

19 * * *

20 (5)

21 * * *

1 teacher education program in Louisiana shall include but not be limited to the
2 following:

3 * * *

4 (8) That an applicant complete a crisis intervention training program created
5 or approved by the state Department of Education.

6 * * *

7 §416.1. Discipline of students; additional disciplinary authority

8 * * *

9 B.

10 * * *

11 (3) Corporal punishment does not include:

12 * * *

13 (b) The use of seclusion and physical restraint as provided in R.S. 17:416.21.

14 * * *

15 §416.21. Behavior of students with exceptionalities; use of seclusion and physical
16 restraint

17 A. As used in this Section:

18 (1)(a) "Crisis intervention" means the implementation of an action plan for
19 school personnel to implement when a student exhibits disruptive behaviors that
20 prevent him from participating in classroom or daily activities. Crisis intervention
21 may include the following:

22 (i) The use of positive behavioral supports and sensory rooms or other
23 calming spaces intentionally designed to help comfort and stabilize a student so that
24 he may return to the classroom or daily activities.

25 (ii) In extraordinary circumstances, the use of seclusion and physical
26 restraint as a means to safely de-escalate a situation in which a student poses a risk
27 of imminent risk of harm to self or others.

28 (b) Information about a school's use of crisis intervention, including the
29 proper use of seclusion and physical restraint, shall be included in a school's student

1 handbook and made available to the parent and legal guardian of each student with
 2 an Individualized Education Program or Behavioral Intervention Plan.

3 ~~(1)~~ (2) "Imminent risk of harm" means an immediate and impending threat
 4 of a person causing substantial physical injury to self or others.

5 ~~(2)(a)~~ (3)(a) "Mechanical restraint" means the application of any device or
 6 object used to limit a person's movement.

7 (b) Mechanical restraint does not include:

8 (i) A protective or stabilizing device used in strict accordance with the
 9 manufacturer's instructions for proper use and which is used in compliance with
 10 orders issued by an appropriately licensed health care provider.

11 (ii) Any device used by a duly licensed law enforcement officer in the
 12 execution of his official duties.

13 ~~(3)(a)~~ (4)(a) "Physical restraint" means ~~bodily force used to limit a person's~~
 14 ~~movement.~~ the use of manual restraint techniques that involve physical force applied
 15 to restrict the movement of all or part of a person's body.

16 (b) Physical restraint does not include:

17 (i) Consensual, solicited, or unintentional contact.

18 (ii) Momentary blocking of a student's action if the student's action is likely
 19 to result in harm to the student or any other person.

20 (iii) A school employee holding a student for less than three consecutive
 21 minutes within any given hour for the protection of the student or others.

22 ~~(iii) (iv) Holding of a student, by one school employee,~~ A school employee
 23 holding a student for the purpose of calming or comforting the student, provided the
 24 student's freedom of movement or normal access to his or her body is not restricted.

25 ~~(iv)~~ (v) Minimal physical contact for the purpose of safely escorting a
 26 student from one area to another.

27 ~~(v)~~ (vi) Minimal physical contact for the purpose of assisting the student in
 28 completing a task or response.

29 ~~(4)~~ (5) "Positive ~~behavior~~ behavioral interventions and support" means a
 30 systematic approach to embed evidence-based practices and data-driven decision

1 making when addressing student behavior in order to improve school climate and
2 culture.

3 ~~(5)~~ (6) "School employee" means a teacher, paraprofessional, administrator,
4 support staff member, or a provider of related services.

5 (7) "School health designee" means a school employee designated to assess
6 the use of seclusion and physical restraint in the event that a school nurse is not
7 present on a school campus at the time such measure is used.

8 ~~(6)~~ (8) "Seclusion" means a procedure that isolates and confines a student
9 in a designated separate room or area until he ~~or she~~ is no longer an ~~immediate~~
10 ~~danger~~ imminent risk of harm to self or others.

11 ~~(7)~~ (9) "Seclusion room" means a room or other confined area, used on an
12 individual basis, in which a student is removed from the regular classroom setting
13 for a limited time to allow the student the opportunity to regain control in a ~~private~~
14 safe, secure, and supervised setting and from which the student is involuntarily
15 prevented from leaving until he is no longer at risk of imminent harm to self or
16 others. A seclusion room shall:

17 (a) Be free of any object that poses a danger to the student placed in the
18 room.

19 (b) Have an observation window and be of a size that is appropriate for the
20 student's size, behavior, and chronological and developmental age.

21 (c) Have a ceiling height and heating, cooling, ventilation, and lighting
22 systems comparable to operating classrooms in the school.

23 (10) "Sensory room" means a room or space that is used for the monitored
24 separation of a student in an unlocked setting in which school personnel may use
25 positive behavioral interventions and support to help to calm or stabilize a student's
26 disruptive behavior. A sensory room may also be referred to as a "calming room",
27 "calming space", "comfort room", "comfort space", "sensory space", "timeout room",
28 or "timeout space". The appropriate use of sensory rooms shall not be considered
29 seclusion, which shall only be used for the limited purpose of responding to a student
30 posing an imminent risk of harm to self or others.

1 (8) (11) "Written guidelines and procedures" means the written guidelines
 2 and procedures adopted by a school's public school governing authority regarding
 3 appropriate responses to student behavior that may require immediate intervention.

4 B.(1) Seclusion shall be used only:

5 (a) For student behaviors that involve an imminent risk of harm to self or
 6 others.

7 (b) As a last resort when de-escalation and other positive behavioral
 8 interventions and support attempts have failed and the student continues to pose an
 9 imminent ~~threat~~ risk of harm to self or others.

10 (2) Seclusion shall not be used as a routine school safety, discipline, or
 11 intervention measure or to address behaviors such as general noncompliance, self-
 12 stimulation, and academic refusal, and other behaviors that, while disruptive to a
 13 classroom setting or other daily school activities, do not present an imminent risk of
 14 harm to self or others. ~~Such~~ School employees shall respond to such behaviors ~~shall~~
 15 ~~be responded to~~ with less stringent and less restrictive techniques, such as those
 16 included in a school's or student's crisis intervention plan or a student's
 17 Individualized Education Program or Behavioral Intervention Plan.

18 (3)(a) A seclusion room shall be used only as a last resort if and when less
 19 restrictive crisis intervention measures, such as positive behavioral supports,
 20 constructive and non-physical de-escalation, and restructuring of a student's
 21 environment, have failed to stop a student's actions that pose an imminent risk of
 22 harm to self or others.

23 (b) A student shall be placed in a seclusion room only by a school employee
 24 who uses accepted methods of escorting a student to a seclusion room, placing a
 25 student in a seclusion room, and supervising a student while he ~~or she~~ is in the
 26 seclusion room.

27 (c) Only one student may be placed in a seclusion room at any given time,
 28 and the school employee supervising the student must be able to see and hear the
 29 student the entire time the student is placed in the seclusion room.

30 ~~(4) A seclusion room shall:~~

1 (a) ~~Be free of any object that poses a danger to the student placed in the~~
2 ~~room.~~

3 (b) ~~Have an observation window and be of a size that is appropriate for the~~
4 ~~student's size, behavior, and chronological and developmental age.~~

5 (c) ~~Have a ceiling height and heating, cooling, ventilation, and lighting~~
6 ~~systems comparable to operating classrooms in the school.~~

7 C.(1) Physical restraint shall be used only:

8 (a) When a student's behavior presents a threat of imminent risk of harm to
9 self or others and only as a last resort to protect the safety of self and others.

10 (b) To the degree necessary to stop dangerous behavior.

11 (c) In a manner that causes no physical injury to the student, results in the
12 least possible discomfort, and does not interfere in any way with a student's
13 breathing or ability to communicate with others.

14 (d) By trained personnel, except in emergency situations in which there is
15 not sufficient time to have trained personnel respond. Minimum training
16 requirements shall be specified in rules promulgated by the State Board of
17 Elementary and Secondary Education.

18 (2) ~~No student shall be subjected to any~~ The following practices are
19 prohibited in any public school:

20 (a) Any form of mechanical restraint.

21 ~~(3) No student shall be physically restrained~~

22 (b) Physical restraint in a manner that places excessive pressure on ~~the~~ a
23 student's chest or back or that causes asphyxia.

24 ~~(4) A student shall be physically restrained only~~

25 (c) Physical restraint in a manner that is ~~directly proportionate~~
26 disproportionate to the circumstances and to ~~the~~ a student's size, age, and severity of
27 behavior.

28 D. Seclusion and physical restraint shall not be used as a form of discipline
29 or punishment, as a threat to control, bully, or obtain behavioral compliance, or for
30 the convenience of school personnel.

1 E. ~~No student shall be subjected to~~ No school employee shall subject a
2 student to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.

3 F. ~~A student shall not be placed in seclusion or physically restrained if he or~~
4 ~~she~~ (1) No school employee shall seclude or physically restrain a student who is
5 known to have any medical or psychological condition that precludes such action,
6 as certified by a licensed ~~health care~~ pediatrician, neurologist, or mental health
7 provider in a written statement provided to the school in which the student is
8 enrolled.

9 (2) Each principal or his designee shall notify each parent or legal guardian
10 of a student enrolled at the school with an Individualized Education Program of the
11 prohibition of the use of seclusion and physical restraint if the student has a
12 condition as provided in Paragraph (1) of this Subsection. Such notification shall be
13 made annually and be incorporated into the student's Individualized Education
14 Program meeting.

15 G. A school employee shall continuously monitor a student who has been
16 placed in seclusion or has been is secluded or physically restrained shall be
17 monitored continuously for the duration of such seclusion or restraint. Such
18 monitoring shall be documented at least every fifteen minutes and adjustments made
19 accordingly, based upon observations of the student's behavior.

20 H. ~~A student shall be removed from seclusion or released~~ school employee
21 shall release a student from seclusion and physical restraint as soon as the reasons
22 for justifying such action have subsided.

23 ~~I.(1) The parent or other legal guardian of a student who has been placed in~~
24 ~~seclusion or physically restrained shall be notified as soon as possible. The student's~~
25 ~~parent or other legal guardian shall also be notified in writing, within twenty-four~~
26 ~~hours, of each incident of seclusion or physical restraint. Such notice shall include~~
27 ~~the reason for such seclusion or physical restraint, the procedures used, the length of~~
28 ~~time of the student's seclusion or physical restraint, and the names and titles of any~~
29 ~~school employee involved.~~

1 ~~(2) The director or supervisor of special education shall be notified any time~~
 2 ~~a student is placed in seclusion or is physically restrained.~~ Upon a student's release
 3 from seclusion or physical restraint:

4 (1)(a) The school employee who secluded or physically restrained the
 5 student shall notify the school principal and the principal or his designee shall notify
 6 electronically the director or supervisor of special education as soon as is practicable
 7 but no later than one hour following the release of the student, or the end of the same
 8 school day, whichever occurs first.

9 (b) The school employee who secluded or physically restrained the student
 10 or a school administrator shall notify the parent or legal guardian of the student via
 11 a phone call as soon as is practicable but no later than the end of the same school
 12 day.

13 (2) A school nurse or school health designee shall visit the student as soon
 14 as possible, but no later than the end of the same school day, to look for and
 15 document any signs of injury or distress.

16 ~~J. A school employee who has placed a student in seclusion or who has~~
 17 ~~physically restrained a student shall document and report each incident in accordance~~
 18 ~~with the policies adopted by the school's governing authority. Such report shall be~~
 19 ~~submitted to the school principal not later than the school day immediately following~~
 20 ~~the day on which the student was placed in seclusion or physically restrained and a~~
 21 ~~copy shall be provided to the student's parent or legal guardian.~~ A school employee
 22 who secluded or physically restrained a student shall document and report the
 23 incident in accordance with the policies adopted by the public school governing
 24 authority. The employee shall submit such report to the school principal by the end
 25 of the next school day following the incident. The principal or his designee shall
 26 submit the report to the parent by the end of the next school day following receipt of
 27 the report. At a minimum, the incident report shall include the following:

28 (1) The name, age, grade, gender, race, and disability of the student secluded
 29 or restrained.

1 (2) The date, time, location, and duration of the seclusion or physical
2 restraint.

3 (3) The name and title of each school employee involved and who was a
4 witness.

5 (4) A description of the events requiring the use of seclusion or physical
6 restraint, including a description of the procedures and types of restraint used, any
7 actions taken in an attempt to de-escalate the situation, and the student's behavior
8 that suggest the student posed an imminent risk of harm to self or others.

9 (5) A description of any student injuries, visible marks, or medical
10 emergencies that occurred during or after the seclusion or physical restraint.

11 (6) A description of the actions taken immediately following the student's
12 release from seclusion or physical restraint, including actions to notify the student's
13 parent or legal guardian.

14 (7) A description of the student's actions immediately following the student's
15 release from seclusion or restraint.

16 K. ~~If a student is involved in five incidents in a single school year involving~~
17 ~~the use of physical restraint or seclusion, the student's Individualized Education~~
18 ~~Program team shall review and revise the student's behavior intervention plan to~~
19 ~~include any appropriate and necessary behavioral supports. Thereafter, if the~~
20 ~~student's challenging behavior continues or escalates requiring repeated use of~~
21 ~~seclusion or physical restraint practices, the special education director or his~~
22 ~~designee shall review the student's plans at least once every three weeks.~~

23 A school principal or his designee and the director or supervisor of special
24 education shall review video and audio footage, if available, to ensure policies and
25 proper techniques were followed during the incident.

26 L. If a student is involved in three incidents in a school year involving the
27 use of seclusion or physical restraint as a result of posing an imminent risk of harm
28 to self or others, the special education teacher shall send prior written notice of the
29 intention to call an Individualized Education Program team meeting to the student's
30 parent or legal guardian, and at such meeting, his Individualized Education Program

1 team shall review and revise the student's Behavioral Intervention Plan, including
 2 any crisis intervention plans, to include any appropriate and necessary behavioral
 3 supports. Thereafter, if the student's challenging behavior continues or escalates,
 4 requiring repeated use of seclusion or physical restraint, the director or supervisor
 5 of special education or his designee shall review the student's plans at least once
 6 every three weeks.

7 M.(1) ~~The~~ Each public school governing authority ~~of each public elementary~~
 8 ~~and secondary school~~ shall adopt written guidelines and procedures regarding:

9 (a) ~~Reporting requirements and follow-up procedures.~~ Proper use of crisis
 10 intervention plans, including the use of positive behavioral interventions and support,
 11 sensory rooms, seclusion, and physical restraint, and how these strategies differ.

12 (b) ~~Notification requirements for school officials and a student's parent or~~
 13 ~~other legal guardian.~~ All seclusion and physical restraint safety, reporting, and
 14 notification requirements, including any follow-up procedures.

15 (c) An explanation of the methods of physical restraint and the school
 16 employee training requirements relative to the use of restraint.

17 (d) An explanation of how school employees may utilize and be trained in
 18 a crisis intervention training program.

19 (2)(a) These guidelines and procedures shall be provided to the state
 20 Department of Education, all school employees, and every parent or legal guardian
 21 of a student with an exceptionality. ~~The guidelines and procedures shall also be~~
 22 ~~posted at each school and on each school system's website.~~

23 (b) ~~The provisions of Subparagraph (a) of this Paragraph shall not be~~
 24 ~~applicable to the parent of a student who has been deemed to be gifted or talented~~
 25 ~~unless the student has been identified as also having a disability.~~ At the beginning
 26 of each school year, each public school governing authority shall post on its website
 27 the guidelines and procedures adopted in accordance with the provisions of this
 28 Subsection.

29 (3) Each public school governing authority shall annually submit prior to the
 30 beginning of each school year its guidelines and procedures adopted in accordance

1 with the provisions of this Subsection to its special education advisory council
2 provided for in R.S. 17:1944.1.

3 (4) The state department shall maintain on its website, and annually
4 distribute to public school governing authorities, updated guidance for recommended
5 best practices relative to the use of seclusion and physical restraint for students with
6 exceptionalities.

7 N.(1) The State Board of Elementary and Secondary Education shall adopt
8 rules establishing guidelines and procedures for public school systems to follow
9 regarding the reporting of incidents of seclusion and physical restraint, including
10 specific data elements to be included in such reporting.

11 (2) ~~The Each public school governing authority of each public elementary~~
12 ~~and secondary school, authority,~~ authority, in accordance with state board policy, shall report
13 all instances where seclusion or physical restraint is used to address student behavior
14 to the state Department of Education.

15 (3)(a) The state Department of Education shall maintain a database of all
16 reported incidents of seclusion and physical restraint of students with
17 exceptionalities and shall disaggregate the data for analysis by school; student age,
18 race, ethnicity, and gender; student disability, where applicable; and any involved
19 school employees.

20 (b)(i) Based upon the data collected, the state Department of Education shall
21 annually compile a comprehensive report regarding the use of seclusion and physical
22 restraint of students with exceptionalities, which shall at a minimum include the
23 following:

24 (aa) The number of incidents of physical restraint disaggregated by school
25 system; student age, race, ethnicity, gender, and student disability classification.

26 (bb) The number of incidents of seclusion disaggregated by school system;
27 student age, race, ethnicity, gender, and student disability classification.

28 (cc) A list of the school systems and charter schools that have complied with
29 the reporting requirements pursuant to Paragraph (2) of this Subsection.

1 (ii) The state Department of Education shall post the annual report on its
 2 website and submit a written copy to the Senate and House committees on education
 3 and the ~~Advisory Council on Student Behavior and Discipline established pursuant~~
 4 ~~to R.S. 17:253~~ Special Education Advisory Panel.

5 O.(1) The department may develop a crisis intervention training program that
 6 may be used by each public school governing authority. If the department develops
 7 such a program, at a minimum, it shall cover the following:

8 (a) Teach evidence-based techniques that are shown to be effective in the
 9 prevention and safe use of seclusion and physical restraint.

10 (b) Provide evidence-based, competency-based skills training relating to
 11 positive support, conflict prevention, de-escalation, and crisis response techniques
 12 including but not limited to the following:

13 (i) Guidelines on understanding when there is an imminent danger of serious
 14 physical harm to a student or others and when to intervene in such a scenario.

15 (ii) An emphasis on safety and respect for the right and dignity of each
 16 person involved in an incident that involves the use of seclusion or physical restraint
 17 on a student.

18 (iii) An emphasis on using the least restrictive form of intervention and
 19 taking incremental steps in an intervention.

20 (iv) Alternatives to the use of seclusion and physical restraint.

21 (v) Strategies for the safe implementation of restrictive interventions.

22 (vi) The use of emergency safety interventions that include continuous
 23 assessment and monitoring of the physical well-being of a student and the safe use
 24 of seclusion and physical restraint throughout the duration of a restrictive
 25 intervention.

26 (vii) Prohibited actions relative to seclusion and physical restraint.

27 (viii) Debriefing strategies and the importance and purpose of debriefing.

28 (ix) Best practices for documentation of instances of the use of seclusion of
 29 and physical restraint on a student.

30 (x) Measurable learning objectives for participants.

1 ~~and secondary school~~ shall adopt policies relative to the installation and operation
 2 of cameras that record both video and audio in a classroom. ~~The policies shall be~~
 3 ~~adopted not later than December 31, 2022, or within sixty days of the receipt of~~
 4 ~~funding for the installation of cameras, whichever occurs first.~~ (1) Each public
 5 school governing authority shall install a camera in each classroom and verify
 6 periodically that the camera remains in operation.

7 (2) Should a camera be out of operation for more than two consecutive school
 8 days, the school shall provide notice to parents of students in the affected classroom
 9 via normal school communication channels.

10 ~~(2)(3) Not later than January 15, 2023, each~~ Each governing authority shall
 11 submit a copy of the policies adopted pursuant to this Section to the state Department
 12 of Education. Within ten days of any revision of the policies, each governing
 13 authority shall submit a copy of the policies to the department.

14 B. For purposes of this Section, "classroom" shall mean a self-contained
 15 classroom or other special education setting in which a majority of students in
 16 regular attendance are provided special education and related services and are
 17 assigned to one or more self-contained classrooms or other special education settings
 18 for at least fifty percent of the instructional day ~~and for which a parent or legal~~
 19 ~~guardian has requested a camera to be installed.~~ "Classroom" shall not mean special
 20 education classrooms and other special education settings where the only students
 21 with exceptionalities receiving special education and related services are those who
 22 have been deemed to be gifted or talented and have not been identified as also having
 23 a disability.

24 * * *

25 Section 3. R.S. 17:1948(C)(7) and (9) and (G) are hereby repealed in their entirety.

26 Section 4. Following the passage of this Act, the state Department of Education shall
 27 update the Procedural Safeguards Handbook to reflect the provisions of this Act, including
 28 R.S. 17:416.21(F) as amended by this Act, prior to the beginning of the 2025-2026 school
 29 year.

1 Section 5. Each public school governing authority shall initially submit its guidelines
 2 and procedures as provided in R.S. 17:416.21(M)(1) and (3) as amended by this Act by May
 3 31, 2026. Thereafter, submission is required prior to the beginning of each subsequent
 4 school year.

5 Section 6.(A) This Section and Sections 1, 4, and 5 of this Act shall become
 6 effective on December 1, 2025.

7 (B) Sections 2 and 3 of this Act shall become effective on February 1, 2026.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____