

2025 Regular Session

HOUSE BILL NO. 237

BY REPRESENTATIVE MACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Provides relative to the use of seclusion and physical restraint to address the behavior of students with exceptionalities

1 AN ACT

2 To amend and reenact R.S. 17:7(5)(b)(i), 416.1(B)(3)(b), 416.21, 1948(A) and (B), and
3 3996(B)(29) and to repeal R.S. 17:1948(G) and 3911(B)(4)(b)(vi), relative to the
4 behavior of students with exceptionalities; to prohibit the use of seclusion and
5 seclusion rooms; to provide relative to the use of physical restraint; to provide for
6 reporting and documentation; to require the installation of cameras in special
7 education classrooms; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:7(5)(b)(i), 416.1(B)(3)(b), 416.21, 1948(A) and (B), and
10 3996(B)(29) are hereby amended and reenacted to read as follows:

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

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

14 * * *

15 (5)

16 * * *

17 (b)(i) Prepare and adopt rules and guidelines for ~~the appropriate use of~~
18 ~~seclusion, physical restraint, and mechanical~~ providing safe learning environments
19 through training and monitoring the appropriate use of physical restraint of students

1 with exceptionalities as defined in R.S. 17:1942, in accordance with the
2 Administrative Procedure Act.

3 * * *

4 §416.1. Discipline of students; additional disciplinary authority

5 * * *

6 B.

7 * * *

8 (3) Corporal punishment does not include:

9 * * *

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

11 * * *

12 §416.21. Behavior of students with exceptionalities; use of ~~seclusion and~~ physical
13 restraint

14 A. As used in this Section:

15 (1) "Crisis intervention" means the implementation of a service, support, or
16 strategy for the purpose of either immediately stabilizing a crisis or preventing a
17 crisis from reoccurring.

18 (2) "Crisis intervention training program" means a program that includes the
19 following:

20 (a) Provides training using effective evidence-based practices in the
21 following:

22 (i) The prevention of the use of physical restraint on a student.

23 (ii) Maintaining the safety of students and school employees when physical
24 restraint is being used.

25 (iii) The use of data-based decision-making, evidence-based positive
26 behavior interventions and support, safe physical escort, conflict prevention and
27 management, behavioral antecedents, and challenging behavior de-escalation.

1 (b) Requires certification and recertification including but not limited to
2 annual renewal of certification in the practices and skills necessary for school
3 employees to properly implement the crisis intervention training program.

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

6 ~~(2)(a)~~ (4)(a) "Mechanical restraint" means the application of any device or
7 object used to limit a person's movement.

8 (b) Mechanical restraint does not include:

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

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

14 ~~(3)(a)~~ (5)(a) "Physical restraint" means ~~bodily force used to limit a person's~~
15 ~~movement~~ the use of manual restraint techniques that involve significant physical
16 force applied to restrict the movement of all or part of a person's body.

17 (b) Physical restraint does not include:

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

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

21 (iii) A school employee holding a student for less than three minutes within
22 an hour for the protection of the student or others.

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

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

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

1 ~~(4)~~ (6) "Positive behavior interventions and support" means a systematic
2 approach to embed evidence-based practices and data-driven decision making when
3 addressing student behavior in order to improve school climate and culture.

4 ~~(5)~~ (7) "School employee" means a teacher, paraprofessional, administrator,
5 support staff member, or a provider of related services.

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

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

12 ~~(7)~~ (10) "Seclusion room" means a room or other confined area, used on an
13 individual basis, in which a student is removed from the regular classroom setting
14 for a limited time to allow the student the opportunity to regain control in a private
15 setting and from which the student is involuntarily prevented from leaving.

16 (11) "Trained personnel" means a school employee who successfully
17 completed a crisis intervention training program.

18 ~~(8)~~ (12) "Written guidelines and procedures" means the written guidelines
19 and procedures adopted by a school's governing authority regarding appropriate
20 responses to student behavior that may require immediate intervention.

21 B.~~(1)~~ Seclusion and the use of seclusion rooms are prohibited in public
22 schools. shall be used only:

23 ~~(a) For behaviors that involve an imminent risk of harm.~~

24 ~~(b) As a last resort when de-escalation attempts have failed and the student~~
25 ~~continues to pose an imminent threat to self or others.~~

26 ~~(2) Seclusion shall not be used to address behaviors such as general~~
27 ~~noncompliance, self-stimulation, and academic refusal. Such behaviors shall be~~
28 ~~responded to with less stringent and less restrictive techniques.~~

1 ~~(3)(a) A seclusion room shall be used only as a last resort if and when less~~
2 ~~restrictive measures, such as positive behavioral supports, constructive and non-~~
3 ~~physical de-escalation, and restructuring of a student's environment, have failed to~~
4 ~~stop a student's actions that pose an imminent risk of harm.~~

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

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

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

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

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

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

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

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

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

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

26 ~~(d) By trained personnel, except in emergency situations in which there is~~
27 ~~not sufficient time to have trained personnel respond.~~

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

1 (a) Any form of mechanical restraint.

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

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

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

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

9 D. ~~Seclusion and physical~~ Physical restraint shall not be used as a form of
10 discipline or punishment, as a threat to control, bully, or obtain behavioral
11 compliance, or for the convenience of school personnel.

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

14 F. ~~A student shall not be placed in seclusion or physically restrained if he or~~
15 ~~she~~ No school employee shall physically restrain a student who is known to have any
16 medical or psychological condition that precludes such action, as certified by a
17 licensed health care provider in a written statement provided to the school in which
18 the student is enrolled.

19 G. A school employee shall monitor a student who ~~has been placed in~~
20 ~~seclusion or has been~~ was physically restrained ~~shall be monitored~~ continuously
21 during and after the use of such restraint. Such monitoring shall be documented ~~at~~
22 ~~least every fifteen minutes and adjustments made accordingly, based upon~~
23 ~~observations of the student's behavior~~ in an incident report.

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

27 I. A school nurse or school health designee shall visit a student who was
28 restrained as soon as possible after such restraint has occurred, but no later than the
29 end of the same school day, to look for and document any signs of injury or distress.

1 J. (1) The parent or other legal guardian of a student who ~~has been placed~~
2 ~~in seclusion or~~ was physically restrained shall be notified ~~as soon as possible~~ on the
3 same day which the restraint was used. ~~The student's parent or other legal guardian~~
4 ~~shall also be notified in writing, within twenty-four hours, of each incident of~~
5 ~~seclusion or physical restraint. Such notice shall include the reason for such~~
6 ~~seclusion or physical restraint, the procedures used, the length of time of the student's~~
7 ~~seclusion or physical restraint, and the names and titles of any school employee~~
8 ~~involved.~~

9 (2) A school employee shall prepare an incident report within twenty-four
10 hours after a student is released from restraint. If the student's release occurs on a
11 day before the school closes for a weekend, holiday, or other extended school
12 closure, the incident report shall be completed by the end of the school day on the
13 day the school reopens. The school shall obtain and keep in its records the parent's
14 or guardian's signed acknowledgment that he received the incident report. At a
15 minimum, the incident report shall include the following:

16 (a) The name of the student restrained.

17 (b) The age, grade, ethnicity, and disability of the student restrained.

18 (c) A description of the incident including but not limited to the following:

19 (i) The date, time, and duration of the restraint.

20 (ii) The location where the restraint occurred.

21 (iii) A description of the type of restraint used.

22 (iv) The names of all staff using or assisting in the restraint of the student
23 and the dates of the most recent completed training on the proper use of physical
24 restraint.

25 (v) The name of anyone who is not a student who was present and witnessed
26 the restraint.

27 (vi) The context in which the restraint occurred.

1 (vii) The student's behavior leading up to and precipitating the decision to
2 use restraint, including why there was an imminent risk of serious injury to the
3 student or others if restraint was not used.

4 (viii) The positive behavior interventions and support used to prevent and de-
5 escalate the behavior.

6 (ix) What occurred with the student immediately after he was released from
7 restraint.

8 (x) Any injuries, visible marks, or medical emergencies that occurred during
9 or after the restraint.

10 (xi) Evidence of steps taken to notify the student's parent or guardian.

11 (xii) The date the student's Behavior Intervention Plan was last reviewed and
12 if any changes are recommended.

13 (3) The A school employee shall notify the director or supervisor of special
14 education ~~shall be notified~~ any time a student is placed in seclusion or is physically
15 restrained.

16 (4) The director or his designee shall review video and audio footage, if
17 available, to ensure policies and proper techniques were followed during the reported
18 incident.

19 ~~J. A school employee who has placed a student in seclusion or who has~~
20 ~~physically restrained a student shall document and report each incident in accordance~~
21 ~~with the policies adopted by the school's governing authority. Such report shall be~~
22 ~~submitted to the school principal not later than the school day immediately following~~
23 ~~the day on which the student was placed in seclusion or physically restrained and a~~
24 ~~copy shall be provided to the student's parent or legal guardian.~~

25 K. If a student is involved in ~~five~~ three incidents in a single school year
26 involving the use of physical restraint ~~or seclusion~~, the student's Individualized
27 Education Program team shall review and revise the student's behavior intervention
28 plan to include any appropriate and necessary behavioral supports. Thereafter, if the
29 student's challenging behavior continues or escalates requiring repeated use of

1 ~~seclusion or~~ physical restraint practices, the special education director or his
2 designee shall review the student's plans.

3 L. The documentation compiled for a student who was physically restrained
4 and whose challenging behavior continues or escalates shall be reviewed at least
5 once every three weeks. Such documentation may include but need not be limited
6 to his Individualized Education Plan, Behavior Intervention Plan, and any other
7 relevant documentation about supports or services needed.

8 M.(1) ~~The governing authority of each public elementary and secondary~~
9 ~~school~~ Each public school governing authority shall adopt written guidelines and
10 procedures ~~regarding:~~ regarding physical restraint as provided for in this Section.

11 ~~(a) Reporting requirements and follow-up procedures.~~

12 ~~(b) Notification requirements for school officials and a student's parent or~~
13 ~~other legal guardian.~~

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

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

20 ~~(b) The provisions of this Subparagraph (a) of this Paragraph shall not be~~
21 ~~applicable~~ apply to the parent or guardian of a student who has been deemed to be
22 gifted or talented unless the student has been identified as also having a disability.

23 (b) At the beginning of each school year, each public school governing
24 authority shall post its policies and procedures on positive behavior interventions and
25 supports and crisis management intervention as adopted by the governing authority.

26 (3) Each public school governing authority shall annually submit its
27 guidelines and procedures developed pursuant to Paragraph (1) of this Subsection as
28 part of its special education advisory council report as provided for in R.S.

1 17:1944.1. The department shall review the submissions by May first annually and
2 provide feedback and ensure compliance with the law.

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

7 (2) ~~The governing authority of each public elementary and secondary school;~~
8 Each public school governing authority, in accordance with state board policy, shall
9 report all instances where ~~seclusion or~~ physical restraint is used to address student
10 behavior to the department.

11 (3)(a) The department shall maintain a database of all reported incidents of
12 ~~seclusion and~~ physical restraint of students with exceptionalities and shall
13 disaggregate the data for analysis by school; student age, race, ethnicity, and gender;
14 student disability, where applicable; and any involved school employees. The
15 department shall make the database publicly available on its website and update the
16 database quarterly with the disaggregated data.

17 (b)(i) Based upon the data collected, the department shall annually compile
18 a comprehensive report regarding the use of ~~seclusion and~~ physical restraint of
19 students with exceptionalities, which shall at a minimum include the following:

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

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

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

26 (ii) The ~~state~~ department shall post the annual report on its website and
27 submit a written copy to the Senate and House committees on education and the
28 Advisory Council on Student Behavior and Discipline established pursuant to R.S.

29 17:253.

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

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

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

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

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

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

15 (iv) Alternatives to the use of physical restraint.

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

17 (vi) The use of emergency safety interventions that include continuous
18 assessment and monitoring of the physical well-being of a student and the safe use
19 of physical restraint throughout the duration of a restrictive intervention.

20 (vii) Prohibited actions relative to physical restraint.

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

22 (ix) Best practices for documentation of instances of the use of physical
23 restraint on a student.

24 (x) Measurable learning objectives for participants.

25 (xi) A requirement that school personnel repeat the training annually.

26 (2) If the training is developed by the department as provided in Paragraph
27 (1) of this Subsection, each public school governing authority shall do the following:

28 (a) Require its first-year school employees to successfully complete the
29 training program.

1 (b) Designate a team of trained personnel in each school under its
2 jurisdiction and provide them with at least eight hours of such training annually.

3 (c) Submit as part of its annual special education advisory council report as
4 provided for in R.S. 17:1944.1 evidence of compliance with the training
5 requirements.

6 * * *

7 §1948. Cameras in certain classrooms; definitions; required policies;
8 confidentiality; authorization of funding

9 A.(1) ~~The~~ Each public school governing authority shall adopt policies
10 relative to the installation and operation of cameras that record both video and audio
11 in a classroom. ~~The policies shall be adopted not later than December 31, 2022, or~~
12 ~~within sixty days of the receipt of funding for the installation of cameras, whichever~~
13 ~~occurs first.~~ Each public school governing authority shall install a camera in each
14 classroom.

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

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

29 * * *

1 §3996. Charter schools; exemptions; requirements

2 * * *

3 B. Notwithstanding any state law, rule, or regulation to the contrary and
4 except as may be otherwise specifically provided for in an approved charter, a
5 charter school established and operated in accordance with the provisions of this
6 Chapter and its approved charter and the school's officers and employees shall be
7 exempt from all statutory mandates or other statutory requirements that are
8 applicable to public schools and to public school officers and employees except for
9 the following laws otherwise applicable to public schools with the same grades:

10 * * *

11 (29) ~~Seclusion and physical~~ Physical restraint of students with
12 exceptionalities, R.S. 17:416.21.

13 * * *

14 Section 2. R.S. 17:1948(G) and 3911(B)(4)(b)(vi) are hereby repealed in their
15 entirety.

16 Section 3. The state Department of Education shall review each public school
17 governing authority's guidelines and procedures developed pursuant to R.S. 17:416.21(M)(1)
18 as amended by this Act by May 1, 2026.

19 Section 4. The state Department of Education shall initially make the database as
20 provided in R.S. 17:416.21(N)(3) as amended by this Act publicly available on its website
21 no later than January 1, 2026.

22 Section 5. Each public school governing authority shall initially submit evidence of
23 compliance with the training requirements as provided in R.S. 17:416.21(O) as enacted by
24 this Act to the department by June 30, 2027.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 237 Original

2025 Regular Session

Mack

Abstract: Provides relative to the use of physical restraint as a response to the behavior of a student with exceptionalities.

Present law (R.S. 17:416.21) provides relative to the use of seclusion and physical restraint in response to the behavior of students with exceptionalities.

Proposed law prohibits the use of seclusion and seclusion rooms in such circumstances.

Present law prohibits mechanical restraint on students with exceptionalities. Proposed law retains present law.

Present law defines "physical restraint". Proposed law changes definition from bodily force used to limit a person's movement to the use of manual restraint techniques that involve significant physical force applied to restrict the movement of all or part of a person's body.

Proposed law further adds the following relative to physical restraint:

- (1) That physical restraint does not mean a school employee holding a student for less than 3 minutes in any given hour of class period for the protection of the student or others.
- (2) Requires physical restraint to only be used by trained personnel, except in emergency situations in which there is not sufficient time to have trained personnel respond.
- (3) Requires that a school nurse or school health designee visit a student who was restrained as soon as possible after such restraint has occurred, but no later than the end of the same school day, to look for and document any signs of injury or distress.

Present law, relative to parental notification of the use of physical restraint, requires notification as soon as possible. Proposed law instead requires such notification on the same day which the restraint was used.

Present law requires a student who was physically restrained to be continuously monitored and requires documentation of such monitoring every 15 minutes. Proposed law, instead, requires the student to be monitored during and after physical restraint is used and removes the time component.

Present law provides that if a student is involved in a certain number of incidents involving physical restraint in a school year, the student's Individualized Education Plan team is required to review and revise the student's intervention plan. Proposed law retains present law but reduces incident number threshold from 5 to 3.

Present law requires each public school governing authority to adopt written guidelines and procedures regarding physical restraint.

Present law requires each public school governing authority to provide such guidelines to the state Dept. of Education (DOE), all school employees, and every parent or legal guardian of a student with an exceptionality. Proposed law retains present law.

Proposed law requires each public school governing authority to annually submit such guidelines and procedures as part of its special education advisory council report as provided for in present law (R.S. 17:1944.1). Further requires DOE to review such guidelines and procedures annually by May 1st and to provide feedback.

Present law requires each public school governing authority to report all instances where physical restraint is used to address student behavior to DOE. Proposed law retains present law and further requires DOE to create a publicly available database of the reported instances and update it quarterly.

Proposed law authorizes DOE to develop a crisis intervention training program.

Proposed law defines "crisis intervention", "crisis intervention training program", "school health designee", and "trained personnel".

Present law (R.S. 17:1948) requires each public school governing authority to install cameras in certain classrooms at the request of a parent. Proposed law requires such installation regardless of a parental request.

Present law (R.S. 17:7) provides for duties and responsibilities of BESE. Requires BESE to prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in present law (R.S. 17:1942), in accordance with present law (Administrative Procedure Act (APA)). Proposed law instead requires BESE to prepare and adopt rules and guidelines for providing safe learning environments through training and monitoring of the appropriate use of physical restraint students with exceptionalities as defined in present law (R.S. 17:1942), in accordance with the APA.

Proposed law removes references to seclusion in Title 17.

(Amends R.S. 17:7(5)(b)(i), 416.1(B)(3)(b), 416.21, 1948(A) and (B), and 3996(B)(29); Repeals R.S. 17:1948(G) and 3911(B)(4)(b)(vi))