

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 581

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1224, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF TEACHERS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1224, Idaho Code, be, and the same is hereby amended to read as follows:

33-1224. POWERS AND DUTIES OF TEACHERS. (1) For purposes of this section:

(a) "Corporal punishment" means knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure.

(b) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of ~~inducing~~ directing a student ~~who is acting out to walk~~ to a safe location.

(c) "Restraint" means physical, mechanical, or chemical forms of restriction, which are defined as follows:

(i) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move his torso, arms, legs, or head freely. This term does not include a physical escort;

(ii) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical-related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

1. Adaptive devices or mechanical supports, when used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
2. Vehicle safety restraints, when used as intended during the transport of a student in a moving vehicle;
3. Restraints for medical immobilization; or
4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm; and

(iii) "Chemical restraint" means the use of drugs or medication to control behavior. This term does not include drugs or medication prescribed by and administered in accordance with the directions of a qualified health professional.

1 (d) "Seclusion" means the involuntary confinement of a student alone in
2 a room or area from which the student is physically prevented from leav-
3 ing. This term does not include a timeout that is a behavior management
4 technique that is part of an approved program, involves the monitored
5 separation of the student in a nonlocked setting, and is implemented for
6 the purpose of calming.

7 (2) In the absence of any statute or rule or regulation of the board of
8 trustees, any teacher employed by a school district shall have the right to
9 direct how and when each pupil shall attend to his appropriate duties and
10 the manner in which a pupil shall demean himself while in attendance at the
11 school. It is the duty of a teacher to carry out the rules and regulations
12 of the board of trustees in managing classroom behavior, and a teacher shall
13 have the power to adopt any reasonable rule or regulation to manage classroom
14 behavior ~~in,~~ and otherwise govern~~,~~ the classroom, not inconsistent with any
15 statute or rule or regulation of the board of trustees. However, corporal
16 punishment shall not be used.

17 (3) Restraint and seclusion shall not be used as forms of discipline
18 or methods of classroom governance. Physical escort may be used to remove
19 a student from the classroom when it has been determined that the student's
20 behavior is severely disrupting the learning of other students or when phys-
21 ical escort is identified as an appropriate intervention in the student's
22 individualized education program. Chemical restraint shall not be used for
23 any purpose. Physical or mechanical restraint or seclusion may be deployed
24 only in circumstances where a pupil's conduct has placed himself, employ-
25 ees, or any other individual in imminent danger of serious bodily harm.
26 Termination of restraint or seclusion shall immediately occur when it is
27 determined that the student is no longer placing himself, employees, or any
28 other individual in imminent danger of serious bodily harm or when a parent
29 or legal guardian has taken custody of the student.

30 (4) The state department of education shall prepare resources, guid-
31 ance, and training modules to support schools in adhering to the provisions
32 of this section.

33 (5) All public and charter school staff directly assigned to stu-
34 dents or classrooms shall receive annual professional development training
35 regarding positive behavior supports, de-escalation techniques, and class-
36 room behavior management. All staff directly serving students or classrooms
37 with students who demonstrate aggressive or dangerous behaviors shall
38 receive annual professional development training in crisis management,
39 de-escalation techniques, the correct use of restraints and seclusion when
40 required, and the implementation of functional behavior assessment, behav-
41 ior intervention plans, and crisis plans.

42 (6) All school district boards of trustees and directors of public
43 charter schools shall demonstrate to the state department of education that
44 they have a seclusion and restraint policy that meets the requirements of
45 this section. School district boards of trustees and directors of public
46 charter schools shall adopt a policy that applies to nondisabled and dis-
47 abled students to include the following:

48 (a) Definitions of physical restraint, mechanical restraint, chemical
49 restraint, and seclusion pursuant to this section;

1 (b) Guidelines for use and prohibitions for use of restraint and seclu-
2 sion;

3 (c) Reporting requirements for documenting and informing parents, ad-
4 ministrators, and state and federal agencies as necessary of each in-
5 stance of restraint or seclusion; and

6 (d) Requirements for periodic review of instances of restraint or
7 seclusion, and of practices related to such, by school district boards
8 of trustees and directors of public charter schools.

9 SECTION 2. An emergency existing therefor, which emergency is hereby
10 declared to exist, this act shall be in full force and effect on and after
11 July 1, 2024.