

Introduced by

Representatives Klemin, Hanson, M. Johnson, Vetter

Senators Dever, Heckaman, Oban

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.

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

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

6 **School districts - Restraint and seclusion policy.**

7 1. As used in this section:

- 8 a. "Chemical restraint" means medication that is not a standard treatment for an  
9 individual's medical or psychological condition which is used to control the pace  
10 behavior or restrict the movement of an individual.
- 11 b. "Mechanical restraint" means the use of any device or equipment to restrict the  
12 movement of an individual.
- 13 c. "Physical restraint" means the use of the body of an individual to restrict or  
14 immobilize another individual from moving the individual's torso, arms, legs, or  
15 head. The term does not include a temporary touching or holding of the hand,  
16 wrist, arm, shoulder, or back for the purpose of directing or escorting an individual  
17 to walk to a designated 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. The term  
22 does not include a time-out.
- 23 f. "Time-out" means the monitored separation of an individual in an unlocked  
24 setting implemented for the purpose of calming the individual.

- 1        2. Before July 1, 2022, each school district shall adopt a written policy regarding the use  
2        of restraint and seclusion methods by school district personnel which:
- 3        a. Prohibits the use of seclusion, mechanical restraint, or chemical restraint by  
4        school district personnel on students enrolled in prekindergarten through grade  
5        twelve;
- 6        b. Prohibits the use of physical restraint by school district personnel on students  
7        enrolled in prekindergarten through grade twelve, except if the student's behavior  
8        poses a threat of imminent danger of serious physical harm to the student or  
9        other individuals in which case physical restraint may be used only if other less  
10       intrusive, nonphysical interventions have been attempted unsuccessfully or  
11       deemed inappropriate to protect the student or other individuals;
- 12       c. Prohibits the use of physical restraint under subdivision b:
- 13       (1) In a face-down position;
- 14       (2) In a position likely to impair a student's ability to breathe or communicate  
15       distress;
- 16       (3) In a position that places pressure on the student's head, neck, or torso; or
- 17       (4) In a position that obstructs the student's face from the view of school district  
18       personnel; and
- 19       d. Requires school district personnel to receive annual professional development  
20       and training in positive behavior interventions and trauma-informed practices,  
21       including crisis de-escalation, restorative practices, and behavior management.