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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2293

02/15/2012 Authored by Davnie and Erickson  
The bill was read for the first time and referred to the Committee on Education Reform

1.1 A bill for an act  
1.2 relating to education; extending for one additional year school districts' ability  
1.3 to use prone restraints under some conditions; requiring data collection and  
1.4 reporting; amending Minnesota Statutes 2011 Supplement, section 125A.0942,  
1.5 subdivision 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2011 Supplement, section 125A.0942, subdivision 3,  
1.8 is amended to read:

1.9 Subd. 3. **Physical holding or seclusion.** Physical holding or seclusion may be used  
1.10 only in an emergency. A school that uses physical holding or seclusion shall meet the  
1.11 following requirements:

1.12 (1) the physical holding or seclusion must be the least intrusive intervention that  
1.13 effectively responds to the emergency;

1.14 (2) physical holding or seclusion must end when the threat of harm ends and the  
1.15 staff determines that the child can safely return to the classroom or activity;

1.16 (3) staff must directly observe the child while physical holding or seclusion is being  
1.17 used;

1.18 (4) each time physical holding or seclusion is used, the staff person who implements  
1.19 or oversees the physical holding or seclusion shall document, as soon as possible after the  
1.20 incident concludes, the following information:

1.21 (i) a description of the incident that led to the physical holding or seclusion;

1.22 (ii) why a less restrictive measure failed or was determined by staff to be  
1.23 inappropriate or impractical;

1.24 (iii) the time the physical holding or seclusion began and the time the child was  
1.25 released; and

- 2.1 (iv) a brief record of the child's behavioral and physical status;
- 2.2 (5) the room used for seclusion must:
- 2.3 (i) be at least six feet by five feet;
- 2.4 (ii) be well lit, well ventilated, adequately heated, and clean;
- 2.5 (iii) have a window that allows staff to directly observe a child in seclusion;
- 2.6 (iv) have tamperproof fixtures, electrical switches located immediately outside the
- 2.7 door, and secure ceilings;
- 2.8 (v) have doors that open out and are unlocked, locked with keyless locks that
- 2.9 have immediate release mechanisms, or locked with locks that have immediate release
- 2.10 mechanisms connected with a fire and emergency system; and
- 2.11 (vi) not contain objects that a child may use to injure the child or others;
- 2.12 (6) before using a room for seclusion, a school must:
- 2.13 (i) receive written notice from local authorities that the room and the locking
- 2.14 mechanisms comply with applicable building, fire, and safety codes; and
- 2.15 (ii) register the room with the commissioner, who may view that room; and
- 2.16 (7) until August 1, ~~2012~~ 2013, a school district may use prone restraints under
- 2.17 the following conditions:
- 2.18 (i) a district has provided to the department a list of staff who have had specific
- 2.19 training on the use of prone restraints;
- 2.20 (ii) a district provides information on the type of training that was provided and
- 2.21 by whom;
- 2.22 (iii) prone restraints may only be used by staff who have received specific training;
- 2.23 (iv) each incident of the use of prone restraints is reported to the department within
- 2.24 five working days on a form provided by the department or on a district's restrictive
- 2.25 procedure documentation form; and
- 2.26 (v) a district, prior to using prone restraints, must review any known medical or
- 2.27 psychological limitations that contraindicate the use of prone restraints.
- 2.28 The department will report back to the chairs and ranking minority members of the
- 2.29 legislative committees with primary jurisdiction over education policy by February 1,
- 2.30 ~~2012~~ 2013, on the use of prone restraints in the schools. Consistent with clause (7), item
- 2.31 (iv), the department must collect data on districts' use of prone restraints and publish the
- 2.32 data in a readily accessible format on the department Web site on a quarterly basis.
- 2.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.