

TITLE 513 COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOLS

Emergency Rule

LSA Document # 17-444

DIGEST

Temporarily adds noncode provisions to add a definition for school resource officer; temporarily amends 513 IAC 1-1-12, 513 IAC 1-1-18, 513 IAC 1-1-20 and 513 IAC 1-2-7 to explain when a school must report the use of either seclusion or restraint by a school resource officers. Statutory authority: [IC 4-22-2-37.1](#); [IC 20-20-40-16](#). Effective September 5, 2017.

SECTION 1. (a) Notwithstanding 513 IAC 1-1-12, "physical restraint" includes physical restraint by a school resource officer as defined in this document.

(b) Notwithstanding 513 IAC 1-1-18, "school employee" includes a school resource officer as defined in this document.

(c) Notwithstanding 513 IAC 1-1-20, "staff" includes a school employee.

SECTION 2. (a) This SECTION is supplemental 513 IAC 1-1.

(b) "School resource officer" has the same meaning as [IC 20-26-18.2-1](#).

SECTION 3. (a) This SECTION supersedes to 513 IAC 1-2-7.

(b) Every incident in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:

- (1) The student.**
- (2) Other students.**
- (3) Teachers.**
- (4) Staff.**

(c) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or

both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.

(d) The building administrator or designee shall attempt to report every incident, including every incident involving a school resource officer (as defined in this document), in which seclusion or restraint is used on a student to the student's parent or guardian:

(1) no later than the end of the school day or as soon as practical;

(2) verbally; and

(3) in accordance with the seclusion and restraint plan adopted by a school.

(e) In addition to the verbal notice described in this SECTION, written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every incident in which seclusion or restraint is used on a student. Such notice shall be provided as soon as practical.

(f) Public school corporations and charter schools shall report the number of incidents, including the number of incidents involving a school resource officer (as defined in this document), in which either seclusion or restraint is used in its annual performance report required by [IC 20-20-8-3](#).

(g) A school resource officer is involved in an incident of restraint or seclusion of a student, when the school resource officer:

(1) directs the restraint or the seclusion of a student;

(2) assists with the restraint or seclusion of a student; or

(3) initiates the seclusion or restraint of a student.

(h) Each accredited nonpublic school shall report, in writing, the number of incidents in which either seclusion or restraint is used in its school to its governing authority.

(h) Each school must conduct an annual review of its plan for the purposes of improvement and revision.

SECTION 4. This document expires at the earlier of the following:

(1) the date a permanent rule adopted under [IC 4-22-2](#) supersedes or repeals this document; or

(2) November 15, 2018;

Per IC 20-20-40-16.