

HB 1269-FN - AS INTRODUCED

2024 SESSION

24-2053

02/05

HOUSE BILL

1269-FN

AN ACT relative to the use of child restraints in schools.

SPONSORS: Rep. McGough, Hills. 12; Rep. Mooney, Hills. 12; Rep. Notter, Hills. 12; Rep. Healey, Hills. 12; Rep. Kofalt, Hills. 32; Rep. B. Boyd, Hills. 12; Rep. Spillane, Rock. 2

COMMITTEE: Children and Family Law

ANALYSIS

This bill requires video and audio monitoring and recording of restraint and seclusion incidents if recording is included within a student's individualized education program, and requires parental notification prior to the use of seclusion or restraints if practicable.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the use of child restraints in schools.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Conditions of Seclusion. Amend RSA 126-U:5-b, II to read as follows:

2 II. Each use of seclusion shall be directly and continuously visually and ~~[auditorially]~~
3 **auditorily** monitored by a person trained in the safe use of seclusion. ***As soon as practicable,***
4 ***pursuant to RSA 189:68, V(d), each use of seclusion shall be visually and auditorily***
5 ***recorded if such method of recording is included in the student's individualized education***
6 ***program or accommodation plan.***

7 2 Child Restraint Practices; Notice and Record-Keeping Requirements. Amend RSA 126-U:7, I
8 to read as follows:

9 I. Unless prohibited by court order, the facility or school shall~~[;]~~ make reasonable efforts to
10 verbally notify the child's parent or guardian and guardian ad litem ~~[whenever]~~ ***prior to the use of,***
11 ***and immediately after*** seclusion or restraint has been used on the child. Such notification shall be
12 made as soon as practicable and in no event later than the time of the return of the child to the
13 parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in
14 a manner calculated to give the parent or guardian actual notice of the incident at the earliest
15 practicable time.

16 3 New Subparagraph; Notice and Record-Keeping Requirements. Amend RSA 126-U:7, II by
17 inserting after subparagraph (m) the following new subparagraph:

18 (n) A physical or digital copy of any recording of the occurrence.

19 4 Authorization and Monitoring of Extended Restraint. Amend RSA 126-U:11, II to read as
20 follows:

21 II. Children in restraint shall be the subject of continuous direct observation by personnel
22 trained in the safe use of restraint. ***As soon as practicable, pursuant to RSA 189:68, V(d), each***
23 ***use of restraint shall be visually and auditorily recorded if such method of recording is***
24 ***included in the student's individualized education program or accommodation plan.***

25 5 New Subparagraph; Student Privacy; Recording for Disciplinary Purposes. Amend RSA
26 189:68, V by inserting after subparagraph (c) the following new subparagraph:

27 (d) If a student's individualized education program or accommodation plan includes
28 audio or video recording as part of the child's special education, related services, assistive technology
29 service, or methodology, any use of seclusion or restraint for disciplinary purposes pursuant to RSA
30 126-U:5-b or RSA 126-U:11 shall be recorded.

31 6 Effective Date. This act shall take effect 60 days after its passage.

**HB 1269-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the use of child restraints in schools.

FISCAL IMPACT: ☐ State ☐ County ☒ Local ☐ None

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill, assumed to be effective for the 2024-2025 school year, and would apply to traditional public schools, public charter schools, public academies, and approved non-public schools, requires that instances of restraint and seclusion be visually and auditorily recorded. To the extent a public district school would need to outfit areas with audio and video equipment and develop data storage capabilities, there may be an increase to local expenditures, beginning in FY 2025.

This bill will have no impact on Department of Education revenue or expenditures.

AGENCIES CONTACTED:

Department of Education