HB 1318
House Education Committee
January 19, 2021

Chair Owens and members of the Committee, I am Brenda Bergsrud, Chair of the Behavioral Health Planning Council. The Council is mandated by the federal government and operates out of the Department of Human Services/Behavioral Health Division. There are 30 members which consist of consumers, family members, and other stakeholders.

The Council supports HB 1318 which would require each school district in ND to have a written policy that prohibits the use of chemical and mechanical restraint as well as seclusion. It further proposes regulation on the use of physical restraints to make sure it is used only when it is absolutely necessary, that being when there is a threat of imminent danger to the student or others and after other less intrusive methods have been tried in a safe way.

North Dakota is one of a few states that does not have any legislation related to seclusion and restraint. This legislation would ensure that every school in the State enacts a written policy with consistent requirements, including one that requires districts to provide training and support for school personnel to give them behavior management tools which will hopefully reduce the need for using seclusion or restraint in the first place. This is important for everyone who works at or attends school. It will especially have an impact on students with disabilities, who are much likelier to find them selves in situations where they are restrained or secluded due to behavioral issues related to their disabilities.

Thank you for reviewing the Council's position on this significant matter.

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