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HOUSE BILL NO. 1229

Offered January 14, 2026

Prefiled January 14, 2026

A *BILL to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 2.1, consisting of sections numbered 22.1-222.1 through 22.1-222.12, and to repeal § 22.1-279.1:1 of the Code of Virginia, relating to use of seclusion and restraint in public elementary and secondary schools.*

Patron—Scott, P.A. (By Request)

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 13 of Title 22.1 an article numbered 2.1, consisting of sections numbered 22.1-222.1 through 22.1-222.12, as follows:

*Article 2.1.**Use of Seclusion and Restraint in Public Elementary and Secondary Schools.***§ 22.1-222.1. Application.**

A. This article is applicable to all students and school personnel in the public elementary and secondary schools of the Commonwealth. This article governs the use of seclusion and restraint for the purpose of behavioral intervention. This article does not apply to any secure facility or detention home as defined in § 16.1-228 or to any facility operated by the Virginia Department of Behavioral Health and Developmental Services.

B. To comply with this article, school personnel must first determine whether the action constitutes restraint or seclusion, as defined in § 22.1-222.2. If the action does not meet the definition, or if the action falls under any of the "does not include" portions of the definitions in § 22.1-222.2, then school personnel may act within their reasonable discretion. If the action falls within the definition of restraint or seclusion, it may be used, but only under the circumstances described in §§ 22.1-222.5 and 22.1-222.6, and the action is subject to the other requirements of this article.

§ 22.1-222.2. Definitions related to permitted and prohibited actions.

As used in this article, unless the context requires a different meaning:

"Aversive stimuli" means interventions that are intended to induce pain or discomfort in a student for the purpose of punishing the student or eliminating or reducing maladaptive behaviors, such as:

1. Noxious odors and tastes;
2. Water and other mists or sprays;
3. Blasts of air;
4. Corporal punishment;
5. Verbal and mental abuse;
6. Forced exercise when:
 - a. The student's behavior is related to the student's disability;
 - b. The exercise would have a harmful effect on the student's health; or
 - c. The student's disability prevents participation in such activities; or
7. Deprivation of necessities, including:
 - a. Food and liquid at a time it is customarily served;
 - b. Medication; or
 - c. Use of the restroom.

"Corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

"Mechanical restraint" means the use of any material, device, or equipment to restrict a student's freedom of movement. "Mechanical restraint" does not include devices implemented by trained school personnel or used by a student that have been prescribed by an appropriate medical or related service professional and are used with parental consent and for the specific and approved purposes for which such devices were designed, such as:

1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
2. Vehicle restraints, including seat belts, when used as intended during the transport of a student in a moving vehicle;
3. Restraints for medical immobilization;
4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm;

59 or

60 5. High chairs and feeding stations used for age or developmentally appropriate students.

61 "Pharmacological restraint" means a drug or medication used on a student to control behavior or restrict
62 freedom of movement that is not (i) prescribed by a licensed physician or other qualified health professional
63 under the scope of the professional's authority for the standard treatment of a student's medical or
64 psychiatric condition and (ii) administered as prescribed by a licensed physician or other qualified health
65 professional acting under the scope of the professional's authority.

66 "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to
67 move freely. The term "physical restraint" does not include (i) briefly holding a student to calm or comfort
68 the student; (ii) holding a student's hand or arm to escort the student safely from one area to another; or (iii)
69 the use of incidental, minor, or reasonable physical contact or other actions designed to maintain order and
70 control.

71 "Restraint" means mechanical restraint, physical restraint, or pharmacological restraint.

72 "Seclusion" means the involuntary confinement of a student alone in a room or area that the student is
73 physically prevented from leaving. Provided that no such room or space is locked, the term "seclusion" does
74 not include (i) time-out; (ii) in-school suspension; (iii) detention; (iv) student-requested breaks in a different
75 location in the room or in a separate room; (v) removal of a student for a short period of time from the room
76 or a separate area of the room to provide the student with an opportunity to regain self-control, so long as
77 the student is in a setting that the student is not physically prevented from leaving; (vi) removal of a student
78 for disruptive behavior from a classroom by the teacher as provided in § 22.1-276.2; or (vii) confinement of a
79 student alone in a room or area that the student is physically prevented from leaving during the investigation
80 and questioning of the student by school personnel regarding the student's knowledge of or participation in
81 events constituting a violation of the code of student conduct, such as a physical altercation or an incident
82 involving drugs or weapons.

83 "Time-out" means a behavioral intervention in which the student is temporarily removed from the
84 learning activity but not confined.

85 **§ 22.1-222.3. General definitions.**

86 As used in this article, unless the context requires a different meaning:

87 "Behavioral intervention plan" or "BIP" means a plan that utilizes positive behavioral interventions and
88 supports to address (i) behaviors that interfere with a student's learning or that of others or (ii) behaviors
89 that require disciplinary action.

90 "Business day" means Monday through Friday, 12 months of the year, exclusive of federal and state
91 holidays (unless holidays are specifically included in the designation of business days).

92 "Calendar days" means consecutive days, inclusive of Saturdays and Sundays. Whenever any period of
93 time fixed by this article expires on a Saturday, Sunday, federal holiday, or state holiday, the period of time
94 for taking such action shall be extended to the next day that is not a Saturday, Sunday, federal holiday, or
95 state holiday.

96 "Child with a disability" or "student with a disability" means a public elementary or secondary school
97 student evaluated as having an intellectual disability, a hearing impairment (including deafness), a speech or
98 language impairment, a visual impairment (including blindness), a serious emotional disability, an
99 orthopedic impairment, autism, a traumatic brain injury, other health impairment, a specific learning
100 disability, deaf-blindness, or multiple disabilities who, by reason thereof, requires special education and
101 related services. "Child with a disability" includes developmental delay if the school division recognizes this
102 category as a disability. If it is determined through an appropriate evaluation that a child has one of the
103 disabilities identified but only needs related services and not special education, the child is not a child with a
104 disability. If the related service required by the child is considered special education rather than a related
105 service under Virginia standards, the child shall be determined to be a child with a disability. As used in this
106 article, the disability categories set forth in this definition and the terms "special education" and "related
107 services" mean the same as set forth in 8VAC20-81-10.

108 "Day" means calendar day unless otherwise designated as business day or school day.

109 "Evaluation" means procedures used to determine whether a child has a disability and the nature and
110 extent of the special education and related services the child needs.

111 "Functional behavioral assessment" or "FBA" means a process to determine the underlying cause or
112 functions of a student's behavior that impede the learning of the student or the student's peers. A functional
113 behavioral assessment may include a review of existing data or new testing data.

114 "Individualized education program" or "IEP" means a written statement for a child with a disability that
115 is developed, reviewed, and revised at least annually in a team meeting and that specifies the individual
116 educational needs of the child and what special education and related services are necessary to meet the
117 child's educational needs.

118 "Individualized education program team" or "IEP team" means a group of individuals that is responsible
119 for developing, reviewing, or revising an IEP for a child with a disability.

120 "School day" means any day, including a partial day, on which students are in attendance at school for

instructional purposes. The term has the same meaning for all students in school, including students with and without disabilities.

"School personnel" means individuals employed by the school division on a full-time or part-time basis or as independent contractors or subcontractors as instructional, administrative, and support personnel and includes individuals serving as a student teacher or intern under the supervision of appropriate school personnel.

"Section 504 plan" means a written plan of modifications and accommodations under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794).

"Student" means any student, with or without a disability, enrolled in a public elementary or secondary school. "Student" includes those students (i) attending a public school on a less than full-time basis, such as those students identified in subsection N of § 22.1-253.13:2; (ii) receiving homebound instruction, without regard to special education status; (iii) receiving home-based instruction; and (iv) who are preschool students enrolled in a program operated by a school division or receiving services from school personnel.

"Student" does not include children meeting compulsory attendance requirements of § 22.1-254 by (i) enrollment in private, denominational, or parochial schools; (ii) receipt of instruction by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the relevant division superintendent; (iii) receipt of home instruction pursuant to § 22.1-254; or (iv) receipt of instruction in a secure facility or detention home as defined in § 16.1-228 or in a facility operated by the Virginia Department of Behavioral Health and Developmental Services. With regard to restraint and seclusion, students placed through public or private means in a private day or residential school for students with disabilities shall be afforded the protections set forth in 8VAC20-671.

"Traumatic brain injury" means an acquired injury to the brain caused by an external physical force or by other medical conditions, including stroke, anoxia, infectious disease, aneurysm, brain tumor, and neurological insult resulting from medical or surgical treatments, resulting in total or partial functional disability or psychosocial impairment that adversely affects a child's educational performance. "Traumatic brain injury" includes open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. "Traumatic brain injury" does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

§ 22.1-222.4. Prohibited actions.

A. The following actions are prohibited in the public elementary and secondary schools in the Commonwealth:

1. Use of mechanical restraints.
2. Use of pharmacological restraints.
3. Use of aversive stimuli.
4. Use of prone restraints, such as lying face down, or any other restraints that restrict a student's breathing or harm the student.
5. Use of seclusion that restricts a student's breathing or harms the student.
6. Use of physical restraint or seclusion (i) as punishment or discipline; (ii) as a means of coercion or retaliation; (iii) as a convenience; or (iv) to prevent property damage, or in any manner other than as provided in §§ 22.1-222.5 and 22.1-222.6.

7. Use of corporal punishment.

8. Use of seclusion rooms or freestanding units not meeting the standards set forth in this article.

9. Use of restraint or seclusion when medically or psychologically contraindicated as stated in documentation by the IEP team, the student's Section 504 team, school professionals, or a licensed physician, psychologist, or other qualified health professional under the scope of the professional's authority.

B. Nothing in this section shall be construed to prohibit physical restraint or seclusion under the conditions outlined in §§ 22.1-222.5 and 22.1-222.6.

§ 22.1-222.5. Use of physical restraint and seclusion.

A. Nothing in this article shall be construed to require a school division to employ physical restraint or seclusion in its schools. School divisions electing to use physical restraint and seclusion shall comply with the requirements of this article.

B. School personnel may implement physical restraint or seclusion only when other interventions are or would be, in the reasonable judgment of the particular school personnel implementing physical restraint or seclusion in an emergency situation, ineffective and only to:

1. Prevent a student from inflicting serious physical harm or injury to self or others;
2. Quell a disturbance or remove a student from the scene of a disturbance in which such student's behavior or damage to property threatens serious physical harm or injury to persons;
3. Defend self or others from serious physical harm or injury;
4. Obtain possession of controlled substances or paraphernalia that are upon the person of the student or within the student's control; or

183 5. Obtain possession of weapons or other dangerous objects that are upon the person of the student or
184 within the student's control.

185 C. Physical restraint and seclusion shall be discontinued as soon as the imminent risk of serious physical
186 harm or injury to self or others presented by the emergency situation has dissipated.

187 D. Nothing in this section shall be construed to require school personnel to attempt to implement a less
188 restrictive intervention prior to using physical restraint or seclusion when, in the reasonable judgment of the
189 school personnel in an emergency situation, a less restrictive intervention would be ineffective.

190 E. Unless a student's damage to property creates an imminent risk of serious physical harm or injury to
191 the student or others, the damage of property does not itself indicate an imminent risk of serious physical
192 harm or injury and shall not be the justification for the restraint or seclusion of a student.

193 F. Any incident involving physical restraint or seclusion in any of the circumstances described in this
194 section shall be subject to the requirements of §§ 22.1-222.6 through 22.1-222.11.

195 **§ 22.1-222.6. Seclusion; standards for use.**

196 A. School divisions electing to use seclusion as permitted by this article shall meet the following structural
197 and physical standards for rooms designated by the school to be used for seclusion:

198 1. Any seclusion room or area shall be free of any objects or physical features that may cause injury to
199 the student.

200 2. Any seclusion room or area shall be of sufficient dimensions and shall have sufficient lighting, heating,
201 cooling, and ventilation to comport with the dignity and safety of the student.

202 3. Windows in the seclusion room shall be constructed to minimize breakage and otherwise prevent the
203 occupant from harming himself.

204 4. All space in the seclusion room shall be visible through the door, either directly or by mirrors.

205 B. School divisions electing to use seclusion as authorized by this article shall provide for the continuous
206 visual monitoring of any seclusion, either by the presence of school personnel in the seclusion room or area
207 or observation by school personnel through a window, viewing panel, or half-door.

208 C. School divisions electing to use seclusion as authorized by this article shall include within their local
209 policies and procedures provisions that address the appropriate use and duration of seclusion based on the
210 age and development of the student.

211 **§ 22.1-222.7. Notification and reporting.**

212 A. When any student has been physically restrained or secluded:

213 1. The school personnel involved shall report the incident and the use of any related first aid to the school
214 principal or the principal's designee as soon as possible but no later than the end of the school day on which
215 the incident occurred; and

216 2. The school principal, the principal's designee, or other school personnel shall make a reasonable effort
217 to ensure that direct contact is made with the student's parent, either in person or through telephone
218 conversation, or via other means of communication authorized by the parent, such as email, to notify the
219 parent of the incident and any related first aid on the day the incident occurs.

220 B. When any student has been physically restrained or secluded after the regular school day, the
221 notifications required by subsection A shall be made as soon as practicable in compliance with the school
222 division's school crisis, emergency management, and medical emergency response plan required by §
223 22.1-279.8.

224 C. As soon as practicable, but no later than two school days after an incident in which physical restraint
225 or seclusion has been implemented, the school personnel involved in the incident or other school personnel,
226 as may be designated by the principal, shall complete and provide to the principal or the principal's designee
227 a written incident report. The school division shall provide the parent with a copy of the incident report
228 within seven calendar days of the incident.

229 The written incident report shall contain information sufficient to inform the parent about the incident.
230 Such information would typically include the following:

231 1. Student name, age, gender, grade, and ethnicity;

232 2. Location of the incident;

233 3. Date, time, and total duration of the incident, including documentation of the beginning and ending
234 time of each application of physical restraint or seclusion;

235 4. Date of the report;

236 5. Name of the person completing the report;

237 6. School personnel involved in the incident, their roles in the use of physical restraint or seclusion, and
238 documentation of their completion of the division's training program;

239 7. Description of the incident, including the resolution and process of return of the student to the student's
240 educational setting, if appropriate;

241 8. Detailed description of the physical restraint or seclusion method used;

242 9. Student behavior that justified the use of physical restraint or seclusion;

243 10. Description of prior events and circumstances prompting the student's behavior, to the extent known;

244 11. Less restrictive interventions attempted prior to the use of physical restraint or seclusion, and an

explanation if no such interventions were employed;

12. Whether the student has an IEP, a Section 504 plan, a BIP, or other plan;

13. If a student, school personnel, or any other individual sustained bodily injury, the date and time of nurse or emergency response personnel notification and the treatment administered, if any;

14. Date, time, and method of parental notification of the incident, as required by this section; and

15. Date, time, and method of school personnel debriefing.

D. Following an incident of physical restraint or seclusion, the school division shall ensure that, within two school days, the principal or the principal's designee reviews the incident with all school personnel who implemented the use of physical restraint or seclusion to discuss:

1. Whether the use of restraint or seclusion was implemented in compliance with this article and local policies; and

2. How to prevent or reduce the future need for physical restraint or seclusion.

E. As appropriate, depending on the student's age and developmental level, following each incident of physical restraint or seclusion, the school division shall ensure that, as soon as practicable, but no later than two school days after the incident or upon the student's return to school, the principal or the principal's designee shall review the incident with the student involved to discuss:

1. Details of the incident in an effort to assist the student and school personnel in identifying patterns of behaviors, triggers, or antecedents; and

2. Alternative positive behaviors or coping skills the student may utilize to prevent or reduce behaviors that may result in the application of physical restraint or seclusion.

F. The principal or the principal's designee shall regularly review the use of physical restraint or seclusion to ensure compliance with school division policy and procedures. When there are multiple incidents within the same classroom or by the same individual, the principal or the principal's designee shall take appropriate steps to address the frequency of use.

§ 22.1-222.8. School division policies and procedures.

A. Each school division that elects to use physical restraint or seclusion shall develop and implement written policies and procedures that meet or exceed the requirements of this article and that include, at a minimum, the following:

1. A statement of intention that the school division will encourage the use of positive behavioral interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion.

2. Examples of the positive behavioral interventions and support strategies consistent with the student's rights to be treated with dignity and to be free from abuse that the school division uses to address student behavior, including the appropriate use of effective alternatives to physical restraint and seclusion.

3. A description of initial and advanced training for school personnel that addresses (i) appropriate use of effective alternatives to physical restraint and seclusion and (ii) the proper use of restraint and seclusion.

4. A statement of the circumstances in which physical restraint and seclusion may be employed, which shall be no less restrictive than that set forth in §§ 22.1-222.5 and 22.1-222.6.

5. Provisions addressing the:

a. Notification of parents regarding incidents of physical restraint or seclusion, including the manner of such notification;

b. Documentation of the use of physical restraint and seclusion;

c. Continuous visual monitoring of the use of any physical restraint or seclusion to ensure the appropriateness of such use and the safety of the student being physically restrained or secluded, other students, school personnel, and others. These provisions shall include exceptions for emergency situations in which securing visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgment of the school personnel implementing the physical restraint or seclusion, result in serious physical harm or injury to persons; and

d. Securing of any room in which a student is placed in seclusion. These provisions shall ensure that any seclusion room or area meet specifications for size and viewing panels that ensure the student's safety at all times, including during a fire or other emergency, as required by this article.

B. School divisions utilizing school resource officers shall enter into a memorandum of understanding with local law enforcement addressing the use of seclusion and restraint by law enforcement personnel in school settings.

C. Each school division shall review its policies and procedures regarding physical restraint and seclusion at least annually and shall update these policies and procedures as appropriate. In developing, reviewing, and revising its policies, school divisions shall consider the distinctions in emotional and physical development between elementary and secondary students and between students with and without disabilities.

D. Consistent with subsection D of § 22.1-253.13:7, a current copy of a school division's policies and procedures regarding restraint and seclusion shall be posted on the school division's website and shall be available to school personnel and to the public. School boards shall ensure that printed copies of such policies and procedures are available as needed to citizens who do not have online access.

E. In developing their policies and procedures, school divisions shall give due consideration to practices

that encourage parent involvement and collaboration with regard to these matters.

§ 22.1-222.9. Prevention; multiple uses of restraint or seclusion.

A. In the initial development and subsequent review and revision of a student's IEP or Section 504 plan, the student's IEP or Section 504 team shall consider whether the student displays behaviors that are likely to result in the use of physical restraint or seclusion. If the IEP or Section 504 team determines that future use is likely, the team shall consider, among other things, the need for (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; (iii) any new or revised behavioral goals; and (iv) any additional evaluations or reevaluations.

Within 10 school days following the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, the student's IEP or Section 504 team shall meet to discuss the incident and to consider, among other things, the need for (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; (iii) any new or revised behavioral goals; and (iv) any additional evaluations or reevaluations.

B. For students other than those described in subsection A, within 10 school days of the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, a team consisting of the parent, the principal or the principal's designee, a teacher of the student, school personnel involved in the incident (if not the teacher or administrator already invited), and other appropriate school personnel, such as a school psychologist, school counselor, or school resource officer, as determined by the school division, shall meet to discuss the incident and to consider, among other things, the need for (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; and (iii) a referral for evaluation.

C. Nothing in this section shall be construed to (i) excuse the team convened under subsection B or its individual members from the obligation to refer the student for evaluation if the team or members have reason to suspect that the student may be a student with a disability or (ii) prohibit the completion of an FBA or BIP for any student, with or without a disability, who might benefit from these measures but whose behavior has resulted in fewer than two incidents of physical restraint or seclusion in a single school year.

§ 22.1-222.10. Annual reporting.

The principal or the principal's designee shall submit to the division superintendent a report on the use of physical restraint and seclusion in the school based on the individual incident reports completed and submitted to the principal or the principal's designee by school personnel pursuant to subsection C of § 22.1-222.7. The division superintendent shall annually report the frequency of such incidents to the Superintendent of Public Instruction and shall make such information available to the public.

§ 22.1-222.11. Training.

School divisions that employ physical restraint or seclusion shall:

1. Ensure that all school personnel receive training that focuses on skills related to positive behavior support, conflict prevention, de-escalation, and crisis response, including follow-up support and social-emotional strategy support for students, staff, and families;

2. Ensure that all school personnel receive initial training regarding the regulations, policies, and procedures governing the use of physical restraint and seclusion;

3. Provide advanced training in the use of physical restraint and seclusion for at least one administrator in every school building and for school personnel assigned to work with any student whose IEP or Section 504 team determines the student is likely to be physically restrained or secluded; and

4. Ensure that any initial or advanced training is evidence-based.

§ 22.1-222.12. Construction and interpretation.

Nothing in this article shall be construed to modify or restrict:

1. The initial authority of teachers to remove students from a classroom pursuant to § 22.1-276.2;

2. The authority and duties of school resource officers and school security officers, as defined in § 9.1-101, except to the extent governed by a memorandum of understanding between the local law enforcement agency and the school division;

3. The authority of the Virginia Department of Juvenile Justice with regard to students in its custody at any of its sites or in any of its programs; or

4. The civil immunity afforded teachers employed by local school boards for any acts or omissions resulting from the supervision, care, or discipline of students when such acts or omissions are within such teacher's scope of employment and are taken in good faith in the course of supervision, care, or discipline of students, unless such acts or omissions were the result of gross negligence or willful misconduct, as provided in § 8.01-220.1:2.

2. That § 22.1-279.1:1 of the Code of Virginia is repealed.