
ENGROSSED SUBSTITUTE HOUSE BILL 2884

State of Washington

60th Legislature

2008 Regular Session

By House Education (originally sponsored by Representatives Pettigrew, Kagi, Dickerson, Appleton, Roberts, Haler, Darneille, Hasegawa, Santos, Goodman, McIntire, and Kenney)

READ FIRST TIME 02/05/08.

1 AN ACT Relating to student discipline policies; amending RCW
2 28A.400.110; adding a new section to chapter 28A.600 RCW; and creating
3 a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 preserve and promote a safe and beneficial learning environment for all
7 students while also balancing each student's right to be free from
8 unreasonable use of physical restraint. The legislature recognizes
9 that a truly beneficial learning environment is dependent on the
10 quality of the interaction between staff, students, and parents and is
11 fostered through the development of a sense of community within the
12 school. The legislature acknowledges that school district boards of
13 directors may find it necessary to employ school security personnel or
14 to rely upon school resource officers in order to preserve a safe and
15 beneficial learning environment within certain schools. The
16 legislature finds that the establishment of appropriate student
17 discipline policies, security models, and training requirements, which
18 stress techniques meant to diffuse anger, de-escalate conflict, and
19 reduce violent behavior within the school, through use of

1 research-based, school-wide, positive behavior intervention supports,
2 will help to further a quality learning environment where all students
3 are treated with dignity and respect. The legislature further finds
4 that use of physical restraint as an intervention in the school
5 environment should be used only in emergency situations after other
6 less intensive alternatives have failed or have been deemed
7 inappropriate and, if used, should only be used by appropriately
8 trained personnel.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600
10 RCW to read as follows:

11 (1) The definitions in this subsection apply throughout this
12 section unless the context clearly requires otherwise.

13 (a) "Chemical restraint" means the use of force or physical
14 intervention to control a student or limit a student's freedom of
15 movement through the use of pepper spray or the administration of any
16 medication for the purpose of restraining the student.

17 (b) "Mechanical restraint" means the use of force or physical
18 intervention to control a student or limit a student's freedom of
19 movement through the use of a mechanical device including, but not
20 limited to, metal handcuffs, plastic ties, ankle restraints, leather
21 cuffs, other hospital-type restraints, tasers, or batons.

22 (c) "Physical restraint" means the use of bodily force or physical
23 intervention to control a student or limit a student's freedom of
24 movement in a way that does not involve a mechanical restraint or
25 chemical restraint.

26 (d) "School resource officer" means a commissioned law enforcement
27 officer who provides security and law enforcement services at one or
28 more public schools under the direction of a school administrator.

29 (e) "School security officer" means a person other than a
30 commissioned law enforcement officer who provides security services at
31 one or more public schools under the direction of a school
32 administrator.

33 (2) Except as provided in subsection (5) of this section, the use
34 of mechanical or chemical restraint on students in the public schools
35 is prohibited.

36 (3) Except as provided in subsection (5) of this section, the use

1 of physical restraint on students in the public schools is limited to
2 the use of reasonable force under the following circumstances only:

3 (a) The student's behavior poses a threat of imminent, serious,
4 physical harm to property, to self, or to others; and

5 (b) Nonphysical interventions would not be effective in removing
6 the imminent threat of harm.

7 (4) Except as provided in subsection (5) of this section, the use
8 of physical restraint in the public schools is prohibited in the
9 following circumstances:

10 (a) As a means of punishment; or

11 (b) As a disciplinary response to destruction of school property,
12 disruption of school or classroom order, noncompliance with a school
13 rule or staff directive, or communication of a verbal threat that does
14 not constitute a threat of imminent, serious, physical harm.

15 (5) This section does not prohibit:

16 (a) The right of any individual to report to appropriate
17 authorities a crime committed by a student or other individual;

18 (b) Commissioned law enforcement officers, including school
19 resource officers, or judicial authorities from exercising their
20 authority or executing their responsibilities, including the physical
21 detainment of a student or other person; or

22 (c) A school security officer from using metal handcuffs or plastic
23 ties to restrain a student while awaiting the arrival of a commissioned
24 law enforcement officer under the following circumstances only:

25 (i) The student's behavior poses a threat of imminent, serious,
26 physical harm to property, to self, or to others; and

27 (ii) Nonphysical interventions would not be effective in removing
28 the imminent threat of harm.

29 (6) Each school district shall establish a written policy regarding
30 the use of physical, mechanical, or chemical restraint that is
31 available to students and parents or guardians. The policy shall
32 include at a minimum:

33 (a) A description and explanation of the methods of restraint
34 authorized at the school;

35 (b) A description of the school's training requirements for those
36 authorized to use physical, mechanical, or chemical restraints; and

37 (c) Incident reporting requirements and the follow-up procedures
38 used when physical, mechanical, or chemical restraint is used on a

1 student including what must be included in a written report of the
2 incident and the timeline for when the student's parents or guardians
3 will be informed of the incident and manner by which the information
4 will be provided to parents or guardians.

5 (7) School districts shall report annually to the office of the
6 superintendent of public instruction:

7 (a) The total number of instances when physical restraint was used,
8 including:

9 (i) The type of restraint used, including the holds used;

10 (ii) The duration of the restraint if longer than five minutes;

11 (iii) A brief description or classification of the activity that
12 was the cause of the restraint;

13 (iv) The program staff member who administered the restraint;

14 (v) Whether the restraint resulted in any injury to the student or
15 staff member;

16 (vi) What additional disciplinary action was taken towards the
17 student; and

18 (vii) The age, grade, sex, race, and distinct ethnic category
19 within the racial subgroup of the restrained student;

20 (b) The total number of instances when mechanical restraint was
21 used, including:

22 (i) The type of mechanical restraint device used;

23 (ii) The duration of the restraint if longer than five minutes;

24 (iii) A brief description or classification of the activity that
25 was the cause of the restraint;

26 (iv) The program staff member who administered the restraint;

27 (v) Whether the restraint resulted in any injury to the student or
28 staff member;

29 (vi) What additional disciplinary action was taken towards the
30 student; and

31 (vii) The age, grade, sex, race, and distinct ethnic category
32 within the racial subgroup of the restrained student;

33 (c) The total number of instances when chemical restraint was used,
34 including:

35 (i) The type of chemical restraint device used;

36 (ii) The duration of the restraint if longer than five minutes;

37 (iii) A brief description or classification of the activity that
38 was the cause of the restraint;

- 1 (iv) The program staff member who administered the restraint;
2 (v) Whether the restraint resulted in any injury to the student or
3 staff member;
4 (vi) What additional disciplinary action was taken towards the
5 student; and
6 (vii) The age, grade, sex, race, and distinct ethnic category
7 within the racial subgroup of the restrained student.
8 (8) Nothing in this section shall be construed to be inconsistent
9 with chapter 28A.155 RCW, Section 504 of the federal rehabilitation act
10 of 1973 as amended (29 U.S.C. 794), or the rules and regulations
11 adopted thereunder.

12 **Sec. 3.** RCW 28A.400.110 and 1997 c 266 s 12 are each amended to
13 read as follows:

14 Within each school the school principal shall determine that
15 appropriate student discipline is established and enforced. In order
16 to assist the principal in carrying out the intent of this section, the
17 principal (~~and~~), the certificated employees, and school security
18 officers and school resource officers as defined in section 2 of this
19 act in a school building shall confer at least annually in order to
20 develop and/or review building disciplinary standards and uniform
21 enforcement of those standards. Such building standards shall be
22 consistent with the provisions of RCW 28A.600.020(3).

23 School principals (~~and~~), certificated employees, and classified
24 employees who have contact with students shall also confer annually, to
25 establish criteria for determining when certificated employees, and
26 classified employees who have contact with students, must complete
27 classes to improve classroom management skills, including the use of
28 research-based, school-wide, positive behavior intervention supports.

--- END ---