

ESHB 1688 - S COMM AMD

By Committee on Early Learning & K-12 Education

OUT OF ORDER 04/16/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that preserving a
4 safe and beneficial learning environment for all students requires the
5 establishment and enforcement of appropriate student discipline
6 policies. The legislature further finds that although physical
7 restraint and isolation of a student should be avoided, there may be
8 circumstances where school district boards of directors have authorized
9 these actions to preserve the safety of other students and school
10 staff. Nevertheless, if an incident of student restraint or isolation
11 occurs, school personnel should be held accountable for providing a
12 thorough explanation of the circumstances.

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

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

17 (a) "Isolation" means excluding a student from his or her regular
18 instructional area and restricting the student alone within a room or
19 any other form of enclosure, from which the student may not leave.

20 (b) "Restraint" means physical intervention or force used to
21 control a student, including the use of a restraint device.

22 (c) "Restraint device" means a device used to assist in controlling
23 a student, including but not limited to metal handcuffs, plastic ties,
24 ankle restraints, leather cuffs, other hospital-type restraints, pepper
25 spray, tasers, or batons.

26 (2) The provisions of this section apply only to any restraint of
27 a student who has an individualized education program or plan developed
28 under section 504 of the rehabilitation act of 1973 that results in a
29 physical injury to a student or a staff member, any restraint of a

1 student who has an individualized education program or plan developed
2 under section 504 of the rehabilitation act of 1973, and any isolation
3 of a student who has an individualized education program or plan
4 developed under section 504 of the rehabilitation act of 1973. The
5 provisions of this section apply only to incidents of restraint or
6 isolation that occur while a student who has an individualized
7 education program or plan developed under section 504 of the
8 rehabilitation act of 1973 is participating in school-sponsored
9 instruction or activities.

10 (3) Following the release of a student from the use of restraint or
11 isolation, the school must implement follow-up procedures. These
12 procedures must include reviewing the incident with the student and the
13 parent or guardian to address the behavior that precipitated the
14 restraint or isolation and reviewing the incident with the staff member
15 who administered the restraint or isolation to discuss whether proper
16 procedures were followed.

17 (4) Any school employee, resource officer, or school security
18 officer who uses any chemical spray, mechanical restraint, or physical
19 force on a student during school-sponsored instruction or activities
20 must inform the building administrator or building administrator's
21 designee as soon as possible, and within two business days submit a
22 written report of the incident to the district office. The written
23 report should include, at a minimum, the following information:

24 (a) The date and time of the incident;

25 (b) The name and job title of the individual who administered the
26 restraint or isolation;

27 (c) A description of the activity that led to the restraint or
28 isolation;

29 (d) The type of restraint or isolation used on the student,
30 including the duration; and

31 (e) Whether the student or staff was physically injured during the
32 restraint or isolation and any medical care provided.

33 (5) The principal or principal's designee must make a reasonable
34 effort to verbally inform the student's parent or guardian within
35 twenty-four hours of the incident, and must send written notification
36 as soon as practical but postmarked no later than five business days
37 after the restraint or isolation occurred. If the school or school
38 district customarily provides the parent or guardian with school-

1 related information in a language other than English, the written
2 report under this section must be provided to the parent or guardian in
3 that language.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.155
5 RCW to read as follows:

6 A school that is required to develop an individualized education
7 program as required by federal law must include within the plan
8 procedures for notification of a parent or guardian regarding the use
9 of restraint or isolation. Parents and guardians of children who have
10 individualized education programs or plans developed under section 504
11 of the rehabilitation act of 1973 must be provided a copy of the
12 district policy on the use of isolation and restraint at the time that
13 the program or plan is created.

14 NEW SECTION. **Sec. 4.** (1) The joint legislative audit and review
15 committee shall study and review how many students who have an
16 individualized education program have been restrained or isolated by a
17 staff member, if any less invasive or positive interventions were used
18 by staff members on those students before relying on restraint or
19 isolation, and what led to the use of restraint or isolation on the
20 students.

21 (2) The data gathered by the joint legislative audit and review
22 committee shall be disaggregated into applicable subgroups.

23 (3) A preliminary report shall be completed by December 1, 2014.
24 A final report shall be completed by December 1, 2015."

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25 On page 1, line 2 of the title, after "schools;" strike the
26 remainder of the title and insert "adding a new section to chapter
27 28A.600 RCW; adding a new section to chapter 28A.155 RCW; and creating
28 new sections."

EFFECT: Removes the two minute duration required for some restraint to be applicable to the provisions of the bill. Adds a study to be conducted by JLARC of students who have an IEP and have been restrained or isolated by a school staff member. Retains the underlying portions of the bill.

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