
Education Committee

HB 1688

Brief Description: Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools.

Sponsors: Representatives Stonier, Pike, Santos, Hayes, Orwall, Bergquist, McCoy, Scott, Ryu, Pollet, Freeman, Farrell and Parker.

Brief Summary of Bill

- Requires reporting of certain staff restraint or isolation of students to the principal and the parent or guardian.
- Requires reporting of staff restraint or isolation that results in medical attention to the Office of the Superintendent of Public Instruction.
- Requires that written reports of incidents of student isolation or restraint be maintained and made available to the public.

Hearing Date: 2/15/13

Staff: Luke Wickham (786-7146).

Background:

State law encourages parents and teachers to use methods of correction and restraint that are not dangerous to children. The physical discipline of a child is allowed when it is reasonable and moderate and it is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child:

1. throwing, kicking, burning, or cutting a child;
2. striking a child with a closed fist;
3. shaking a child under three;
4. interfering with a child's breathing;
5. threatening a child with a deadly weapon; or

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6. doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks.

State law requires school districts to adopt school discipline policies. School districts must collect data on the disciplinary actions taken in schools. This information must be made available to the public, upon request, redacted for personally identifiable information.

State rules regarding special education limit the use of student isolation. They specifically indicate that the use of isolation shall be

1. provided for in a student's individual education program;
2. in an enclosure that is ventilated, lighted, and temperature controlled from the inside or outside for purposes of human occupancy;
3. in an enclosure that permits continuous visual monitoring of the student from outside the enclosure;
4. in a manner that allows a responsible adult to remain in visual or auditory range of the student; and
5. either in a manner that allows the student to release himself or herself from the enclosure, or in a manner that allows an adult to continuously view the student.

Summary of Bill:

The terms “isolation,” “restraint,” and “restraint device” are defined.

The provisions of the bill apply to the following incidents that occur while the student is participating in school-sponsored instruction or activities:

- any restraint of a student that results in a physical injury to a student or a staff member;
- any restraint that lasts longer than two minutes; and
- any isolation of a student.

Staff who administered the restraint or isolation must inform the principal verbally on the same day of the incident, and file a written report with the principal no later than the next day. If the principal, or either a school resource officer or law enforcement officer who is not employed by the school district administered the restraint or isolation, the principal must file the written report.

All the written incident reports must be maintained by the school district and made available for review upon request, but these records are subject to redaction for confidential information and privacy. The principal must verbally inform the student’s parent or guardian of the restraint or isolation, as soon as possible, and must send the written report to the parent or guardian no later than two days after the incident.

The contents of the written reports are specified.

If a restraint results in physical injury to a student or staff member that requires medical attention, the school district must file a copy of the written report with the Office of the Superintendent of Public Instruction within five days and also file copies of all other restraints during the previous thirty days.

Appropriation: None.

Fiscal Note: Requested on February 12, 2013.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.