

# HOUSE BILL REPORT

## HB 2605

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### As Reported by House Committee On: Education

**Title:** An act relating to making school district policies on restraint or isolation of certain students available to parents and guardians.

**Brief Description:** Making school district policies on restraint or isolation of certain students available to parents and guardians.

**Sponsors:** Representatives Stonier, S. Hunt, Sawyer, Fey, Orwall, Bergquist, Pollet and Freeman.

#### **Brief History:**

##### **Committee Activity:**

Education: 1/30/14, 2/3/14 [DPS].

#### **Brief Summary of Substitute Bill**

- Repeals a requirement that a school district's policy and procedures on the use of restraint or isolation be provided to parents when an Individualized Education Program or Section 504 Plan is developed.
- Requires that the policy and procedures be made available to parents and guardians on the school district website or in written form.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist, Fey, Haigh, Hargrove, Hawkins, Hayes, S. Hunt, Klippert, Lytton, Muri, Orwall, Parker, Pollet, Seaquist and Warnick.

**Staff:** Megan Wargacki (786-7194).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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 permitted when it is reasonable and moderate, and 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:

- throwing, kicking, burning, or cutting a child;
- striking a child with a closed fist;
- shaking a child under age three;
- interfering with a child's breathing;
- threatening a child with a deadly weapon; or
- doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks.

A school must follow certain procedures when restraining or isolating a student who has an Individualized Education Program (IEP) or a Section 504 Plan (Plan), including:

- Once a student is released, the school must review the incident with the student, the student's parent or guardian, and the staff member who administered the restraint or isolation.
- A staff member who used chemical spray, mechanical restraint, or physical force must inform the building administrator and submit a written report to the district office.
- The student's parent or guardian must be informed of the incident.

A school that is required to develop an IEP must include procedures for notifying parents and guardians regarding the use of restraint or isolation.

Schools must provide a copy of the school district policy's on the use of isolation and restraint to parents and guardians of children at the time an IEP or Plan is created.

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### **Summary of Substitute Bill:**

The requirement that a copy of school district policies regarding restraint or isolation be provided to all parents or guardians of special education and Plan students at the time the IEPs and Plans are developed is repealed. The requirement that parental notification procedures be included in the IEPs for all special education students is also repealed.

Instead, the school district policy regarding restraint or isolation of students in special education or with a Plan, and the procedures for notification of parents and guardians, must be made available on the school district website or in written form.

### **Substitute Bill Compared to Original Bill:**

The substitute bill requires the school district policy on restraint or isolation procedures be provided to parents and guardians on the school district website or in written form, rather than on the school district website and a written copy be made available on request.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) The school districts think it is difficult to provide parents or students with the isolation or restraint policy at the initial meeting with the parents or guardians, while at the same time creating a welcoming atmosphere to the new families. It is good to have the information available, though.

(Opposed) None.

**Persons Testifying:** Representative Stonier, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.