

SENATE BILL REPORT

SHB 2605

As of February 19, 2014

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: House Committee on Education (originally sponsored by Representatives Stonier, S. Hunt, Sawyer, Fey, Orwall, Bergquist, Pollet and Freeman).

Brief History: Passed House: 2/11/14, 93-5.

Committee Activity: Early Learning & K-12 Education: 2/19/14.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Katherine Taylor (786-7434)

Background: Isolation is defined in law as excluding a student from the student's regular instructional area and restricting the student alone within a room or any other form of enclosure, from which the student may not leave.

Restraint is defined as physical intervention or force used to control a student, including the use of a restraint device.

Restraint device is defined as a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons.

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 the following:

- 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.

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.

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

Currently schools must provide a copy of the school district policies on the use of isolation and restraint to parents and guardians of children at the time an IEP or Plan is created.

Summary of 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 IEPs for all special education students is also repealed.

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

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: CON: We oppose this. We ask for a do not pass. Students with disabilities' families need to be adequately informed. Damage is done when families do not know that their children have been isolated or restrained. We need to reflect on what we are doing with isolation and restraint. Why is this monitored on the district level? We have great concerns about this bill. This would undermine the notification that school districts have to give to students' families. Sometimes these students cannot speak. Parents can handle this information. This bill will undermine students with disabilities' rights. Common sense tells us that parents cannot ask about things that they do not know to ask about.

OTHER: We are opposed to the bill but want to work with everyone on their concerns. The bill repeals sections that would provide notice. The way certain sections of the bill are worded provides a real loss. Some people do not have access to a computer. How is the posting on a website going to work?

Persons Testifying: CON: Sarah Butcher, The Bellevue Special Needs Parent Teacher Assn., VP of Advocacy; Arzu Forough, WA Autism Alliance and Advocacy; Carl Peterson, citizen.

OTHER: David Lord, Disability Rights WA.