
ENGROSSED SUBSTITUTE HOUSE BILL 1688

State of Washington

63rd Legislature

2013 Regular Session

By House Education (originally sponsored by Representatives Stonier, Pike, Santos, Hayes, Orwall, Bergquist, McCoy, Scott, Ryu, Pollet, Freeman, Farrell, and Parker)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to reporting of incidents of student restraint and
2 isolation in public schools; adding a new section to chapter 28A.600
3 RCW; adding a new section to chapter 28A.155 RCW; and creating a new
4 section.

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

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

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

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

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

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

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

12 (2) The provisions of this section apply only to any restraint of
13 a student who has an individualized education program or plan developed
14 under section 504 of the rehabilitation act of 1973 that results in a
15 physical injury to a student or a staff member, any restraint of a
16 student who has an individualized education program or plan developed
17 under section 504 of the rehabilitation act of 1973 lasting longer than
18 two minutes, and any isolation of a student who has an individualized
19 education program or plan developed under section 504 of the
20 rehabilitation act of 1973. The provisions of this section apply only
21 to incidents of restraint or isolation that occur while a student who
22 has an individualized education program or plan developed under section
23 504 of the rehabilitation act of 1973 is participating in school-
24 sponsored instruction or activities.

25 (3) Following the release of a student from the use of restraint or
26 isolation, the school must implement follow-up procedures. These
27 procedures must include reviewing the incident with the student and the
28 parent or guardian to address the behavior that precipitated the
29 restraint or isolation and reviewing the incident with the staff member
30 who administered the restraint or isolation to discuss whether proper
31 procedures were followed.

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

- 1 (a) The date and time of the incident;
- 2 (b) The name and job title of the individual who administered the
3 restraint or isolation;
- 4 (c) A description of the activity that led to the restraint or
5 isolation;
- 6 (d) The type of restraint or isolation used on the student,
7 including the duration; and
- 8 (e) Whether the student or staff was physically injured during the
9 restraint or isolation and any medical care provided.
- 10 (5) The principal or principal's designee must make a reasonable
11 effort to verbally inform the student's parent or guardian within
12 twenty-four hours of the incident, and must send written notification
13 as soon as practical but postmarked no later than five business days
14 after the restraint or isolation occurred. If the school or school
15 district customarily provides the parent or guardian with school-
16 related information in a language other than English, the written
17 report under this section must be provided to the parent or guardian in
18 that language.

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

21 A school that is required to develop an individualized education
22 program as required by federal law must include within the plan
23 procedures for notification of a parent or guardian regarding the use
24 of restraint or isolation. Parents and guardians of children who have
25 individualized education programs or plans developed under section 504
26 of the rehabilitation act of 1973 must be provided a copy of the
27 district policy on the use of isolation and restraint at the time that
28 the program or plan is created.

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