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HOUSE BILL 1688

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State of Washington

63rd Legislature

2013 Regular Session

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

Read first time 02/05/13. Referred to Committee on Education.

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; and creating a new section.

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

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

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

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

1 (a) "Isolation" means excluding a student from his or her regular  
2 instructional area and restricting the student alone within a room or  
3 any other form of enclosure.

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

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

10 (2) The provisions of this section apply to any restraint of a  
11 student that results in a physical injury to a student or a staff  
12 member, any restraint of a duration longer than two minutes, and any  
13 isolation of a student. The provisions of this section apply to such  
14 incidents of restraint or isolation that occur while the student is  
15 participating in school-sponsored instruction or activities.

16 (3) The staff member who administered the restraint or isolation  
17 must verbally inform the school principal or his or her designee as  
18 soon as possible on the school day that the restraint or isolation  
19 occurred and must file a written report with the principal or his or  
20 her designee no later than the next school day. If the principal  
21 administered the restraint or isolation, the principal must prepare and  
22 file the written report. If a school resource officer or other law  
23 enforcement official who is not an employee of the school district  
24 administered the restraint or isolation, the principal or his or her  
25 designee must prepare and file the written report.

26 (4) All written reports filed under this section must be maintained  
27 by the school as an ongoing record. All written reports filed under  
28 this section must be available for review on request, subject to  
29 removal of information that would compromise the confidentiality and  
30 privacy of any students involved in the incident.

31 (5) The principal or his or her designee must verbally inform the  
32 student's parent or guardian of the restraint or isolation as soon as  
33 possible, preferably on the school day that the restraint or isolation  
34 occurred, and must send the written report to the parent or guardian,  
35 postmarked no later than two school days following the restraint or  
36 isolation. If the school or school district customarily provides the  
37 parent or guardian with school-related information in a language other

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

3 (6) All written reports of incidents of restraint or isolation  
4 under this section must include the following:

5 (a) The date of the incident and the time the restraint or  
6 isolation began and ended;

7 (b) The name and job title of the individual who administered the  
8 restraint or isolation and any staff members who observed the incident;  
9 the name of the principal or designee who was verbally informed of the  
10 incident; and the time that he or she was so informed;

11 (c) A description of the activity in which the restrained or  
12 isolated student and other students and staff members in the same room  
13 or vicinity were engaged immediately before the incident occurred; the  
14 behavior that prompted the restraint or isolation; the efforts made to  
15 de-escalate the situation to avoid the restraint or isolation;  
16 alternatives to restraint or isolation that were attempted; and the  
17 justification for initiating a restraint or isolation; and

18 (d) In the case of a restraint, a description of the administration  
19 of the restraint including the manner of restraint and the reason such  
20 manner of restraint was necessary; the student's behavior and reactions  
21 during the restraint; how the restraint ended; the type of injury to  
22 the student or staff, if any, during the restraint; and any medical  
23 care provided.

24 (7) In addition to the information required under subsection (6) of  
25 this section, the written report of a restraint or isolation that is  
26 sent to the student's parent or guardian must also include the  
27 following:

28 (a) Information regarding any further action that the school has  
29 taken or may take as a result of the incident that led to the restraint  
30 or isolation, including any disciplinary sanctions that may be imposed  
31 on the student; and

32 (b) Information regarding opportunities for the student's parents  
33 or guardians to discuss with school officials the administration of the  
34 restraint or isolation, any disciplinary sanctions that may be imposed  
35 on the student, or any other related matter.

36 (8) If a restraint results in a physical injury to a student or a  
37 staff member that requires medical attention, the school district must  
38 file a copy of the written report under subsection (6) of this section

1 with the office of the superintendent of public instruction within five  
2 working days of the administration of the restraint, as well as a copy  
3 of the written reports for any other restraints under this section that  
4 occurred during the previous thirty days.

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