

---

**HOUSE BILL 2930**

---

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Walsh, Eslick, and Graham

Read first time 02/07/20. Referred to Committee on Education.

1 AN ACT Relating to narrowing the applicability of restraint and  
2 isolation provisions to students with an individualized education  
3 program or section 504 plan; amending RCW 28A.600.485; and creating a  
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the minimum  
7 requirements of the state's program of basic education include that  
8 school districts, on a district-wide annual average basis, make  
9 available one thousand instructional hours to students in grades one  
10 through nine and make available one thousand eighty hours to students  
11 in grades nine through twelve. Teachers and other school staff have  
12 the difficult task of keeping students engaged in the learning  
13 process for hours every school day.

14 The legislature acknowledges that, despite the best efforts of  
15 teachers and other school staff, some students experience emotional  
16 or behavioral crisis that distracts school staff and other students  
17 from educational activities. Due to concerns about the overuse of the  
18 practice of physically restraining students, in 2015, the legislature  
19 expanded to all students the limitations on the use of restraint and  
20 isolation that had previously been only applicable to students who

1 have an individualized education program or plan developed under  
2 section 504 of the rehabilitation act of 1973.

3 The legislature finds that, since that time, classroom practices  
4 for managing disruptive or violent students have shifted. The use of  
5 the room clear procedure, in which the teacher sends the majority of  
6 the students to a neighboring classroom while the teacher attends to  
7 the disruptive student, has become more common. The legislature  
8 recognizes that teachers from around the state have consistently  
9 expressed a concern that the room clear procedure actually harms the  
10 K-12 learning environment because one student's disruptive behavior  
11 negatively impacts an entire class.

12 The legislature finds that the harm to the K-12 learning  
13 environment would be reduced if the disruptive student were removed  
14 from the classroom, allowing the teacher to continue teaching the  
15 rest of the class. Therefore, the legislature intends to narrow the  
16 applicability of restraint and isolation provisions to students with  
17 an individualized education program or section 504 plan.

18 **Sec. 2.** RCW 28A.600.485 and 2015 c 206 s 3 are each amended to  
19 read as follows:

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

22 (a) "Isolation" means restricting the student alone within a room  
23 or any other form of enclosure, from which the student may not leave.  
24 It does not include a student's voluntary use of a quiet space for  
25 self-calming, or temporary removal of a student from his or her  
26 regular instructional area to an unlocked area for purposes of  
27 carrying out an appropriate positive behavior intervention plan.

28 (b) "Restraint" means physical intervention or force used to  
29 control a student, including the use of a restraint device to  
30 restrict a student's freedom of movement. It does not include  
31 appropriate use of a prescribed medical, orthopedic, or therapeutic  
32 device when used as intended, such as to achieve proper body  
33 position, balance, or alignment, or to permit a student to safely  
34 participate in activities.

35 (c) "Restraint device" means a device used to assist in  
36 controlling a student, including but not limited to metal handcuffs,  
37 plastic ties, ankle restraints, leather cuffs, other hospital-type  
38 restraints, pepper spray, tasers, or batons. Restraint device does  
39 not mean a seat harness used to safely transport students. This

1 section shall not be construed as encouraging the use of these  
2 devices.

3 (d) "Student" means a student who has an individualized education  
4 program or plan developed under section 504 of the rehabilitation act  
5 of 1973 (29 U.S.C. Sec. 794).

6 (2) The provisions of this section apply only to ~~((all))~~  
7 students(~~(, including those)~~) who have an individualized education  
8 program or plan developed under section 504 of the rehabilitation act  
9 of 1973. The provisions of this section apply only to incidents of  
10 restraint or isolation that occur while a student is participating in  
11 school-sponsored instruction or activities.

12 (3)(a) An individualized education program or plan developed  
13 under section 504 of the rehabilitation act of 1973 must not include  
14 the use of restraint or isolation as a planned behavior intervention  
15 unless a student's individual needs require more specific advanced  
16 educational planning and the student's parent or guardian agrees. All  
17 other plans may refer to the district policy developed under  
18 ~~((subsection (3)))~~ (b) of this ~~((section))~~ subsection. Nothing in this  
19 section is intended to limit the provision of a free appropriate  
20 public education under Part B of the federal individuals with  
21 disabilities education improvement act or section 504 of the federal  
22 rehabilitation act of 1973.

23 (b) Restraint or isolation of ~~((any))~~ a student is permitted only  
24 when reasonably necessary to control spontaneous behavior that poses  
25 an imminent likelihood of serious harm, as defined in RCW  
26 ~~((70.96B.010))~~ 71.05.020. Restraint or isolation must be closely  
27 monitored to prevent harm to the student, and must be discontinued as  
28 soon as the likelihood of serious harm has dissipated. Each school  
29 district shall adopt a policy providing for the least amount of  
30 restraint or isolation appropriate to protect the safety of students  
31 and staff under such circumstances.

32 (4) Following the release of a student from the use of restraint  
33 or isolation, the school must implement follow-up procedures. These  
34 procedures must include: (a) Reviewing the incident with the student  
35 and the parent or guardian to address the behavior that precipitated  
36 the restraint or isolation and the appropriateness of the response;  
37 and (b) reviewing the incident with the staff member who administered  
38 the restraint or isolation to discuss whether proper procedures were  
39 followed and what training or support the staff member needs to help  
40 the student avoid similar incidents.

1 (5) Any school employee, resource officer, or school security  
2 officer who uses isolation or restraint on a student during school-  
3 sponsored instruction or activities must inform the building  
4 administrator or building administrator's designee as soon as  
5 possible, and within two business days submit a written report of the  
6 incident to the district office. The written report must include, at  
7 a minimum, the following information:

8 (a) The date and time of the incident;

9 (b) The name and job title of the individual who administered the  
10 restraint or isolation;

11 (c) A description of the activity that led to the restraint or  
12 isolation;

13 (d) The type of restraint or isolation used on the student,  
14 including the duration;

15 (e) Whether the student or staff was physically injured during  
16 the restraint or isolation incident and any medical care provided;  
17 and

18 (f) Any recommendations for changing the nature or amount of  
19 resources available to the student and staff members in order to  
20 avoid similar incidents.

21 (6) The principal or principal's designee must make a reasonable  
22 effort to verbally inform the student's parent or guardian within  
23 twenty-four hours of the incident, and must send written notification  
24 as soon as practical but postmarked no later than five business days  
25 after the restraint or isolation occurred. If the school or school  
26 district customarily provides the parent or guardian with school-  
27 related information in a language other than English, the written  
28 report under this section must be provided to the parent or guardian  
29 in that language.

30 (7)(a) Beginning January 1, 2016, and by January 1st annually,  
31 each school district shall summarize the written reports received  
32 under subsection (5) of this section and submit the summaries to the  
33 office of the superintendent of public instruction. For each school,  
34 the school district shall include the number of individual incidents  
35 of restraint and isolation, the number of students involved in the  
36 incidents, the number of injuries to students and staff, and the  
37 types of restraint or isolation used.

38 (b) No later than ninety days after receipt, the office of the  
39 superintendent of public instruction shall publish to its web site  
40 the data received by the districts. The office of the superintendent

1 of public instruction may use this data to investigate the training,  
2 practices, and other efforts used by schools and districts to reduce  
3 the use of restraint and isolation.

--- **END** ---