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SENATE BILL 6418

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State of Washington

60th Legislature

2008 Regular Session

By Senators Kauffman, Kohl-Welles, Rasmussen, Delvin, Marr, Fairley, Pflug, Eide, Pridemore, Fraser, Kline, Rockefeller, Regala, and Franklin

Read first time 01/16/08. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to student discipline policies; amending RCW  
2 28A.400.110; adding a new section to chapter 28A.600 RCW; and creating  
3 a new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
6 preserve and promote a safe and beneficial learning environment for all  
7 students while also balancing each student's right to be free from  
8 unreasonable use of physical restraint. The legislature recognizes  
9 that a truly beneficial learning environment is dependent on the  
10 quality of the interaction between staff, students, and parents and is  
11 fostered through the development of a sense of community within the  
12 school. The legislature acknowledges that school district boards of  
13 directors may find it necessary to employ school security personnel or  
14 to rely upon school resource officers in order to preserve a safe and  
15 beneficial learning environment within certain schools. The  
16 legislature finds that the establishment of appropriate student  
17 discipline policies, security models, and training requirements, which  
18 stress techniques meant to diffuse anger, de-escalate conflict, and  
19 reduce violent behavior within the school, will help to further a

1 quality learning environment where all students are treated with  
2 dignity and respect. The legislature further finds that use of  
3 physical restraint as an intervention in the school environment should  
4 be used only in emergency situations after other less intensive  
5 alternatives have failed or have been deemed inappropriate and, if  
6 used, should only be used by appropriately trained personnel.

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

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

11 (a) "Chemical restraint" means the use of force or physical  
12 intervention to control a student or limit a student's freedom of  
13 movement through the use of pepper spray or the administration of any  
14 medication for the purpose of restraining the student.

15 (b) "Mechanical restraint" means the use of force or physical  
16 intervention to control a student or limit a student's freedom of  
17 movement through the use of a mechanical device including, but not  
18 limited to, metal handcuffs, plastic ties, ankle restraints, leather  
19 cuffs, other hospital-type restraints, tasers, or batons.

20 (c) "Physical restraint" means the use of bodily force or physical  
21 intervention to control a student or limit a student's freedom of  
22 movement in a way that does not involve a mechanical restraint or  
23 chemical restraint.

24 (d) "School resource officer" means a commissioned law enforcement  
25 officer who provides security and law enforcement services at one or  
26 more public schools under the direction of a school building  
27 administrator.

28 (e) "School security officer" means a person other than a  
29 commissioned law enforcement officer who provides security services at  
30 one or more public schools under the direction of a school building  
31 administrator.

32 (2) Except as provided in subsection (5) of this section, the use  
33 of mechanical or chemical restraint in the public schools is  
34 prohibited.

35 (3) Except as provided in subsection (5) of this section, the use  
36 of physical restraint in the public schools is limited to the use of  
37 reasonable force under the following circumstances only:

1 (a) The student's behavior poses a threat of imminent, serious,  
2 physical harm to self or to others; and

3 (b) Nonphysical interventions would not be effective in removing  
4 the imminent threat of harm.

5 (4) Except as provided in subsection (5) of this section, the use  
6 of physical restraint in the public schools is prohibited in the  
7 following circumstances:

8 (a) As a means of punishment; or

9 (b) As a disciplinary response to destruction of school property,  
10 disruption of school or classroom order, noncompliance with a school  
11 rule or staff directive, or communication of a verbal threat that does  
12 not constitute a threat of imminent, serious, physical harm.

13 (5) This section does not prohibit:

14 (a) The use of physical, mechanical, or chemical restraint when  
15 such use is permitted or required by and is consistent with a student's  
16 504 plan or individual education plan;

17 (b) The right of any individual to report to appropriate  
18 authorities a crime committed by a student or other individual; or

19 (c) Commissioned law enforcement officers, including school  
20 resource officers, or judicial authorities from exercising their  
21 authority or executing their responsibilities, including the physical  
22 detainment of a student or other person.

23 (6) Each school district shall establish a written policy regarding  
24 the use of physical, mechanical, or chemical restraint that is  
25 available to students and parents or guardians. The policy shall  
26 include at a minimum:

27 (a) A description and explanation of the methods of restraint  
28 authorized at the school;

29 (b) A description of the school's training requirements for those  
30 authorized to use physical, mechanical, or chemical restraints; and

31 (c) Incident reporting requirements and the follow-up procedures  
32 used when physical, mechanical, or chemical restraint is used on a  
33 student including what must be included in a written report of the  
34 incident and the timeline for when the student's parents or guardians  
35 will be informed of the incident and manner by which the information  
36 will be provided to parents or guardians.

37 (7) School districts shall report annually to the office of the  
38 superintendent of public instruction:

1 (a) The total number of instances when physical restraint was used,  
2 including:  
3 (i) The type of restraint used, including the holds used;  
4 (ii) The duration of the restraint if longer than five minutes;  
5 (iii) A brief description or classification of the activity that  
6 was the cause of the restraint;  
7 (iv) The program staff member who administered the restraint;  
8 (v) Whether the restraint resulted in any injury to the student or  
9 staff member; and  
10 (vi) What additional disciplinary action was taken towards the  
11 student;  
12 (b) The total number of instances when mechanical restraint was  
13 used, including:  
14 (i) The type of mechanical restraint device used;  
15 (ii) The duration of the restraint if longer than five minutes;  
16 (iii) A brief description or classification of the activity that  
17 was the cause of the restraint;  
18 (iv) The program staff member who administered the restraint;  
19 (v) Whether the restraint resulted in any injury to the student or  
20 staff member; and  
21 (vi) What additional disciplinary action was taken towards the  
22 student;  
23 (c) The total number of instances when chemical restraint was used,  
24 including:  
25 (i) The type of chemical restraint device used;  
26 (ii) The duration of the restraint if longer than five minutes;  
27 (iii) A brief description or classification of the activity that  
28 was the cause of the restraint;  
29 (iv) The program staff member who administered the restraint;  
30 (v) Whether the restraint resulted in any injury to the student or  
31 staff member; and  
32 (vi) What additional disciplinary action was taken towards the  
33 student.

34 **Sec. 3.** RCW 28A.400.110 and 1997 c 266 s 12 are each amended to  
35 read as follows:

36 Within each school the school principal shall determine that  
37 appropriate student discipline is established and enforced. In order

1 to assist the principal in carrying out the intent of this section, the  
2 principal (~~and~~), the certificated employees, and school security  
3 officers and school resource officers as defined in section 2 of this  
4 act in a school building shall confer at least annually in order to  
5 develop and/or review building disciplinary standards and uniform  
6 enforcement of those standards. Such building standards shall be  
7 consistent with the provisions of RCW 28A.600.020(3).

8 School principals and certificated employees shall also confer  
9 annually, to establish criteria for determining when certificated  
10 employees must complete classes to improve classroom management skills.

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