

# FINAL BILL REPORT

## ESHB 1688

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Synopsis as Enacted

**Brief Description:** Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools for students who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Stonier, Pike, Santos, Hayes, Orwall, Bergquist, McCoy, Scott, Ryu, Pollet, Freeman, Farrell and Parker).

**House Committee on Education**  
**Senate Committee on Early Learning & K-12 Education**  
**Senate Committee on Ways & Means**

### **Background:**

Parents and teachers are encouraged under state law to use methods of correction and restraint that are not dangerous to children. The physical discipline of a child is allowed when it is reasonable and moderate and it is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child:

- throwing, kicking, burning, or cutting a child;
- striking a child with a closed fist;
- shaking a child under three;
- interfering with a child's breathing;
- threatening a child with a deadly weapon; or
- doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks.

School districts are required to adopt school discipline policies. School districts must collect data on the disciplinary actions taken in schools. This information must be made available to the public, upon request, redacted for personally identifiable information.

The use of student isolation is limited under state rules on special education. They specifically indicate that the use of isolation must be:

- provided for in a student's individual education program (IEP);

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- in an enclosure that is ventilated, lighted, and temperature controlled from the inside or outside for purposes of human occupancy;
- in an enclosure that permits continuous visual monitoring of the student from outside the enclosure;
- in a manner that allows a responsible adult to remain in visual or auditory range of the student; and
- either in a manner that allows the student to release himself or herself from the enclosure, or in a manner that allows an adult to continuously view the student.

**Summary:**

The restraint or isolation of students who have an IEP or section 504 plan and who are participating in school-sponsored instruction or activities, is subject to certain requirements.

After school staff releases a student from restraint or isolation, the school must conduct follow-up procedures to include:

- reviewing the incident with the student and the student's parent or guardian to address the student's behavior; and
- reviewing the incident with the staff member involved to discuss whether proper procedures were followed.

School employees, resource officers, or school security officers who use chemical spray, mechanical restraint, or physical force on a student must inform the administrator and file a written report to the district office. The contents of the written report are specified.

The principal must make a reasonable effort to verbally inform the parent or guardian about restraint or isolation within 24 hours and provide written notification postmarked within five days. Schools must provide this notification in a language other than English if the school customarily provides school related information to parents in languages other than English.

Schools that are required to develop IEPs must include within the plan procedures for notification of a parent or guardian. Parents or guardians of children who have an IEP or 504 plan must be provided a copy of the district policy on the use of isolation and restraint.

The terms "isolation," "restraint," and "restraint device" are defined.

**Votes on Final Passage:**

House	98	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 28, 2013