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**HOUSE BILL 2930**

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**State of Washington 66th Legislature 2020 Regular Session**

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

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

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

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

The legislature acknowledges that, despite the best efforts of teachers and other school staff, some students experience emotional or behavioral crisis that distracts school staff and other students from educational activities. Due to concerns about the overuse of the practice of physically restraining students, in 2015, the legislature expanded to all students the limitations on the use of restraint and isolation that had previously been only applicable to students who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973.

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

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

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

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

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

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

(c) "Restraint device" means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to safely transport students. This section shall not be construed as encouraging the use of these devices.

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

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

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

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

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

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

(a) The date and time of the incident;

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

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

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

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

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

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

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

(b) No later than ninety days after receipt, the office of the superintendent of public instruction shall publish to its web site the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.

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