

**2SHB 1479 - H AMD 236**

By Representative Walsh

WITHDRAWN 03/08/2023

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the minimum  
4 requirements of the state's program of basic education include that  
5 school districts, on a district-wide annual average basis, make  
6 available 1,000 instructional hours to students in grades one through  
7 nine and make available 1,080 hours to students in grades nine  
8 through 12. Teachers and other school staff have the difficult task  
9 of keeping students engaged in the learning process for hours every  
10 school day.

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

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

29 The legislature finds that the harm to the K-12 learning  
30 environment would be reduced if the disruptive student were removed  
31 from the classroom, allowing the teacher to continue teaching the  
32 rest of the class. Therefore, the legislature intends to narrow the

1 applicability of restraint and isolation provisions to students with  
2 an individualized education program or section 504 plan.

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

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

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

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

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

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

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

36 (3)(a) An individualized education program or plan developed  
37 under section 504 of the rehabilitation act of 1973 must not include  
38 the use of restraint or isolation as a planned behavior intervention  
39 unless a student's individual needs require more specific advanced

1 educational planning and the student's parent or guardian agrees. All  
2 other plans may refer to the district policy developed under  
3 (~~subsection (3)~~) (b) of this (~~section~~) subsection. Nothing in this  
4 section is intended to limit the provision of a free appropriate  
5 public education under Part B of the federal individuals with  
6 disabilities education improvement act or section 504 of the federal  
7 rehabilitation act of 1973.

8 (b) Restraint or isolation of (~~any~~) a student is permitted only  
9 when reasonably necessary to control spontaneous behavior that poses  
10 an imminent likelihood of serious harm, as defined in RCW  
11 (~~70.96B.010~~) 71.05.020. Restraint or isolation must be closely  
12 monitored to prevent harm to the student, and must be discontinued as  
13 soon as the likelihood of serious harm has dissipated. Each school  
14 district shall adopt a policy providing for the least amount of  
15 restraint or isolation appropriate to protect the safety of students  
16 and staff under such circumstances.

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

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

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

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

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

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

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

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

7 (6) The principal or principal's designee must make a reasonable  
8 effort to verbally inform the student's parent or guardian within  
9 (~~twenty-four~~) 24 hours of the incident, and must send written  
10 notification as soon as practical but postmarked no later than five  
11 business days after the restraint or isolation occurred. If the  
12 school or school district customarily provides the parent or guardian  
13 with school-related information in a language other than English, the  
14 written report under this section must be provided to the parent or  
15 guardian in that language.

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

24 (b) No later than (~~ninety~~) 90 days after receipt, the office of  
25 the superintendent of public instruction shall publish to its web  
26 site the data received by the districts. The office of the  
27 superintendent of public instruction may use this data to investigate  
28 the training, practices, and other efforts used by schools and  
29 districts to reduce the use of restraint and isolation."

30 Correct the title.

EFFECT: Removes all provisions of the underlying bill and replaces them with provisions that do the following:

(1) Narrow application of current provisions related to the use of restraint and isolation by school employees, resources officers, and school security officers during school-sponsored instruction and activities so that the provisions apply only to students who have an Individualized Education Program or plan developed under Section 504 of the Rehabilitation Act of 1973 (instead of applying the provisions to all students as in current law and the underlying bill);

(2) Maintain current law provisions related to:

(a) Defining "isolation," "restraint," "imminent," and "likelihood of serious harm";

(b) Restrictions on including the use of isolation and restraint as planned behavior interventions unless a student's individual needs require more specific advanced planning and the student's parent or guardian agrees;

(c) Permitting restraint and isolation only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, requiring close monitoring to prevent harm to the student, and requiring that restraint or isolation be discontinued as soon as the likelihood of serious harm has dissipated;

(d) Directing each school district to adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff; and

(e) Incident notification, review, and reporting requirements;

(3) Include an intent section.

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