
HOUSE BILL 1792

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By Representatives Pettigrew, Santos, Dickerson, Haler, Simpson, Darneille, O'Brien, Murray, Lantz, Chase, Kenney, Kagi, Hasegawa, Moeller and Hudgins

Read first time 02/07/2005. Referred to Committee on Education.

1 AN ACT Relating to the use of physical restraint in the common
2 schools; amending RCW 28A.400.110; adding a new section to chapter
3 28A.600 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that preserving a safe
6 and beneficial learning environment for all students requires the
7 establishment and enforcement of appropriate student discipline
8 policies. The legislature further finds that a school's culture and
9 climate determines the quality of interaction between staff, students,
10 and parents, and greatly affects the level of disciplinary activity
11 within a school. The legislature acknowledges that school district
12 boards of directors may find it necessary to employ school security
13 personnel or to rely upon school resource officers in order to preserve
14 a safe and beneficial learning environment within certain schools. The
15 legislature encourages schools and districts to consider school
16 discipline and security models in which counselors and
17 prevention/intervention specialists, along with school building
18 administrators and other school security personnel, if employed, and

1 school resource officers, if present, are trained and work as teams of
2 experts in diffusing anger, de-escalating conflict, and reducing
3 violent behavior within their schools.

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

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

8 (a) "Physical restraint" means physical intervention or force used
9 to control a student, including the use of a restraint device.

10 (b) "Restraint device" means a device used to assist in controlling
11 a student including, but not limited to metal handcuffs, plastic ties,
12 ankle restraints, leather cuffs, other hospital-type restraints, pepper
13 spray, tasers, or batons.

14 (c) "School resource officer" means a commissioned law enforcement
15 officer who provides security and law enforcement services at one or
16 more public schools under the direction of a school building
17 administrator.

18 (d) "School security officer" means a person other than a
19 commissioned law enforcement officer who provides security services at
20 one or more public schools under the direction of a school building
21 administrator.

22 (2) Except as provided in subsection (4) of this section, the use
23 of physical restraint in the public schools is limited to the use of
24 reasonable force under the following circumstances only:

25 (a) The person's behavior poses a threat of imminent, serious,
26 physical harm to self or to others; and

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

29 (3) Except as provided in subsection (4) of this section, the use
30 of physical restraint in the common schools is prohibited in the
31 following circumstances:

32 (a) As a means of punishment; or

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

37 (4) This section does not prohibit:

1 (a) The use of physical restraint when such use is permitted or
2 required by and is consistent with a student's 504 plan or individual
3 education plan;

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

6 (c) Commissioned law enforcement officers, including school
7 resource officers, or judicial authorities from exercising their
8 authority or executing their responsibilities, including the physical
9 detainment of a student or other person.

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

12 Within each school the school principal shall determine that
13 appropriate student discipline is established and enforced. In order
14 to assist the principal in carrying out the intent of this section, the
15 principal ~~((and))~~, the certificated employees, school security
16 officers, and school resource officers as defined in section 2 of this
17 act, in a school building shall confer at least annually in order to
18 develop and/or review building disciplinary standards and uniform
19 enforcement of those standards. Such building standards shall be
20 consistent with the provisions of RCW 28A.600.020(3).

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

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