
Education Committee

HB 2884

Brief Description: Requiring policies on and limiting the use of mechanical, chemical, and physical restraint of students.

Sponsors: Representatives Pettigrew, Kagi, Dickerson, Appleton, Roberts, Haler, Darneille, Hasegawa, Santos, Goodman, McIntire and Kenney.

Brief Summary of Bill

- Establishes rules related to student discipline and the use of restraints in public K-12 schools

Hearing Date: 1/31/08

Staff: Cece Clynch (786-7195).

Background:

There are 295 school districts and a variety of school discipline policies exist statewide. School district boards of directors are required to develop written procedures for administering discipline in each school building. Individual school building administrators are charged with determining that appropriate student discipline is established and maintained within the school. Principals must confer annually with certificated employees to review and develop building discipline and enforcement standards.

Summary of Bill:

The Legislature finds that students have a right to be free from unreasonable use of physical restraint and that the use of physical restraint as an intervention in schools should be employed only in emergency situations and only by appropriately trained personnel. Specific provisions with respect to the appropriate and inappropriate use of various types of restraints in schools are provided.

Chemical and Mechanical Restraints

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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

"Mechanical restraint" means "the use of force or physical intervention to control a student or limit a student's freedom of movement through the use of a mechanical device" such as metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

The use of chemical and mechanical restraints are prohibited except when such use is permitted or required by, and is consistent with, a student's planned program of instructional services or an individual education plan (IEP).

Physical Restraint

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

The use of physical restraint is specifically prohibited as a means of punishment or as a disciplinary response to situations which do not constitute a threat of imminent, serious, physical harm. Under the following circumstances, the use of reasonable physical restraint is allowed:

- when a student's behavior poses a threat of imminent, serious physical harm to self or others and nonphysical interventions would not be effective in removing the threat; or
- when such use is permitted or required by, and is consistent with, a student's planned program of instructional services or an IEP.

Commissioned Law Enforcement Officers

The limitations on the use of various types of restraints do not prohibit commissioned law enforcement officers from exercising their authority or executing their responsibilities, including the physical detainment of a student or other person.

Each school district must establish a written policy regarding the use of physical, mechanical, or chemical restraint and make the policy available to students and parents or guardians. Such a policy must include a description and explanation of what restraint is authorized, the training requirements for those authorized to use a particular restraint, and incident reporting requirements.

Annually, school districts must report to the Office of the Superintendent of Public Instruction regarding all instances when physical, mechanical, or chemical restraints were used. This report must provide information regarding the total number of incidents as well as specific information about each incident.

A principal must include school security officers and school resource officers, in addition to certificated employees, in the required annual meeting to develop and review building disciplinary standards and uniform enforcement of those standards.

Appropriation: None.

Fiscal Note: Requested on January 24, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.