
SECOND SUBSTITUTE SENATE BILL 5624

State of Washington

61st Legislature

2009 Regular Session

By Senate Ways & Means (originally sponsored by Senators Kauffman, Keiser, Berkey, Kline, and Kohl-Welles)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to student discipline policies; adding a new
2 section to chapter 28A.600 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 preserve and promote a safe and beneficial learning environment for all
6 students while also balancing each student's right to be free from
7 unreasonable use of physical force, mechanical restraint, or chemical
8 sprays. The legislature recognizes that a truly beneficial learning
9 environment is dependent on the quality of the interaction between
10 staff, students, and parents and is fostered through the development of
11 a sense of community within the school. The legislature acknowledges
12 that school district boards of directors may find it necessary to
13 employ school security personnel or to rely upon school resource
14 officers in order to preserve a safe and beneficial learning
15 environment within certain schools. The legislature finds that the
16 establishment of appropriate student discipline policies, security
17 models, and training requirements, which stress techniques meant to
18 diffuse anger, de-escalate conflict, and reduce violent behavior within
19 the school, will help to further a quality learning environment where

1 all students are treated with dignity and respect. The legislature
2 further finds that use of physical force, mechanical restraint, or
3 chemical sprays, as an intervention in the school environment should be
4 used only in emergency situations after other less invasive
5 alternatives have failed or have been deemed inappropriate and, if
6 used, should only be used by appropriately trained personnel.

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

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

11 (a) "Chemical sprays" means the use of pepper spray or chemicals,
12 or the administration of any medication to control a student or limit
13 a student's freedom of movement.

14 (b) "Mechanical restraint" means the use a mechanical device
15 including, but not limited to, metal handcuffs, plastic ties, ankle
16 restraints, leather cuffs, other hospital-type restraints, tasers, or
17 batons to control a student or limit a student's freedom of movement.

18 (c) "Physical force" means the use of any bodily force or physical
19 intervention to control a student or limit a student's freedom of
20 movement in a way that does not involve a mechanical restraint or
21 chemical spray. Physical force does not include momentary periods of
22 minimal physical restriction by direct person-to-person contact,
23 without the aid of mechanical restraint, accomplished with limited
24 force and designed to:

25 (i) Prevent a student from completing an act that would result in
26 potential bodily harm to self or others or damage property; or

27 (ii) Remove a disruptive student who is unwilling to leave the area
28 voluntarily.

29 (d) "School resource officer" means a person who provides security
30 and law enforcement services at one or more public schools and is a
31 commissioned law enforcement officer who has been assigned by the
32 employing police department or agency to work in collaboration with the
33 district.

34 (e) "School security officer" means a classified or contracted
35 school district employee other than a school resource officer who
36 provides security services at one or more public schools under the
37 direction of a district administrator.

1 (f) "Bodily harm" means physical pain or injury, illness, or an
2 impairment of physical condition.

3 (g) "Substantial bodily harm" means bodily injury that involves a
4 temporary but substantial disfigurement or that causes a temporary but
5 substantial loss or impairment of the function of any bodily part or
6 organ or that causes a fracture of any bodily part.

7 (2) The use of mechanical restraints or chemical sprays on a
8 student at a public school by a school employee is prohibited, unless
9 administered by:

10 (a) A school resource officer; or

11 (b) A school security officer or building staff designated by the
12 school district who receives:

13 (i) Appropriate annual training from either a local law enforcement
14 agency or the criminal justice training commission for each type of
15 restraint or spray authorized to be used; and

16 (ii) Ongoing supervision from a district or school administrator.

17 (3) Except as provided in subsection (5) of this section, the use
18 of physical force in public schools is limited to the use of reasonable
19 force under the following circumstances only:

20 (a) The student's behavior poses a threat of substantial bodily
21 harm to self or to others; and

22 (b) Nonphysical interventions would not be effective in preventing
23 or minimizing the threat of substantial bodily harm.

24 (4) Except as provided in subsection (5) of this section, the use
25 of physical force in public schools is prohibited in the following
26 circumstances:

27 (a) As a means of punishment; or

28 (b) As a disciplinary response to destruction of school property,
29 disruption of school or classroom order, noncompliance with a school
30 rule or staff directive, or communication of a verbal threat that does
31 not constitute a threat of substantial bodily harm.

32 (5) This section does not prohibit:

33 (a) The right of any individual to report to appropriate
34 authorities a crime committed by a student or other individual; or

35 (b) Commissioned law enforcement officers, including school
36 resource officers, or judicial authorities from exercising their
37 authority or executing their responsibilities, including the ability to
38 use physical force, mechanical restraints, or chemical sprays.

1 (6) Each school district shall establish a written policy regarding
2 the use of physical force, mechanical restraints, and chemical sprays
3 on students by school employees. The policy shall be made available to
4 students and parents or guardians. The policy shall include at a
5 minimum:

6 (a) A description and explanation of the types of physical force,
7 mechanical restraint, or chemical spray authorized at the school and
8 under what circumstances each is allowed to be used;

9 (b) Which school employees at the school are authorized to use each
10 type of physical force, mechanical restraint, or chemical spray;

11 (c) A description of the school's training requirements for those
12 authorized to use physical force, mechanical restraint, or chemical
13 sprays; and

14 (d) Incident reporting requirements and the follow-up procedures
15 used when any type of physical force, mechanical restraint, or chemical
16 spray is used on a student, including:

17 (i) A requirement that the incident be immediately reported to both
18 a district and school building administrator or a designee;

19 (ii) A description of what must be included in a written report of
20 the incident;

21 (iii) The timeline for when the written report must be submitted
22 and when student's parents or guardians will be informed of the
23 incident;

24 (iv) The manner by which the information will be provided to
25 parents or guardians; and

26 (v) A requirement that a log of all instances of use of physical
27 force, mechanical restraint, and chemical sprays be maintained and
28 provided to the school board annually.

29 (7) School districts shall report annually to the office of the
30 superintendent of public instruction the total number of instances when
31 physical force, mechanical restraint, or chemical spray was used,
32 including:

33 (a) The type of physical force, mechanical restraint, or chemical
34 spray used;

35 (b) The duration of the physical force or mechanical restraint if
36 longer than five minutes;

37 (c) A brief description or classification of the activity that was

1 the cause of the physical force, mechanical restraint, or chemical
2 spray;

3 (d) The person who administered the physical force, mechanical
4 restraint, or chemical spray;

5 (e) Whether the physical force, mechanical restraint, or chemical
6 spray resulted in any injury to the student or employee; and

7 (f) What additional disciplinary action was taken toward the
8 student.

9 (8) Nothing in this section shall be construed to be inconsistent
10 with chapter 28A.155 RCW, section 504 of the federal rehabilitation act
11 of 1972 as amended (29 U.S.C. Sec. 794), or rules or regulations
12 adopted thereunder.

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