

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1688

63rd Legislature
2013 Regular Session

Passed by the House April 22, 2013
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 16, 2013
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1688** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1688

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By House Education (originally sponsored by Representatives Stonier, Pike, Santos, Hayes, Orwall, Bergquist, McCoy, Scott, Ryu, Pollet, Freeman, Farrell, and Parker)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to reporting of incidents of student restraint and
2 isolation in public schools; adding new sections to chapter 28A.600
3 RCW; adding a new section to chapter 28A.155 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that preserving a safe
7 and beneficial learning environment for all students requires the
8 establishment and enforcement of appropriate student discipline
9 policies. The legislature further finds that although physical
10 restraint and isolation of a student should be avoided, there may be
11 circumstances where school district boards of directors have authorized
12 these actions to preserve the safety of other students and school
13 staff. Nevertheless, if an incident of student restraint or isolation
14 occurs, school personnel should be held accountable for providing a
15 thorough explanation of the circumstances.

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

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

3 (a) "Isolation" means excluding a student from his or her regular
4 instructional area and restricting the student alone within a room or
5 any other form of enclosure, from which the student may not leave.

6 (b) "Restraint" means physical intervention or force used to
7 control a student, including the use of a restraint device.

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

12 (2) The provisions of this section apply only to any restraint of
13 a student who has an individualized education program or plan developed
14 under section 504 of the rehabilitation act of 1973 that results in a
15 physical injury to a student or a staff member, any restraint of a
16 student who has an individualized education program or plan developed
17 under section 504 of the rehabilitation act of 1973, and any isolation
18 of a student who has an individualized education program or plan
19 developed under section 504 of the rehabilitation act of 1973. The
20 provisions of this section apply only to incidents of restraint or
21 isolation that occur while a student who has an individualized
22 education program or plan developed under section 504 of the
23 rehabilitation act of 1973 is participating in school-sponsored
24 instruction or activities.

25 (3) Following the release of a student from the use of restraint or
26 isolation, the school must implement follow-up procedures. These
27 procedures must include reviewing the incident with the student and the
28 parent or guardian to address the behavior that precipitated the
29 restraint or isolation and reviewing the incident with the staff member
30 who administered the restraint or isolation to discuss whether proper
31 procedures were followed.

32 (4) Any school employee, resource officer, or school security
33 officer who uses any chemical spray, mechanical restraint, or physical
34 force on a student during school-sponsored instruction or activities
35 must inform the building administrator or building administrator's
36 designee as soon as possible, and within two business days submit a
37 written report of the incident to the district office. The written
38 report should include, at a minimum, the following information:

- 1 (a) The date and time of the incident;
- 2 (b) The name and job title of the individual who administered the
3 restraint or isolation;
- 4 (c) A description of the activity that led to the restraint or
5 isolation;
- 6 (d) The type of restraint or isolation used on the student,
7 including the duration; and
- 8 (e) Whether the student or staff was physically injured during the
9 restraint or isolation and any medical care provided.
- 10 (5) The principal or principal's designee must make a reasonable
11 effort to verbally inform the student's parent or guardian within
12 twenty-four hours of the incident, and must send written notification
13 as soon as practical but postmarked no later than five business days
14 after the restraint or isolation occurred. If the school or school
15 district customarily provides the parent or guardian with school-
16 related information in a language other than English, the written
17 report under this section must be provided to the parent or guardian in
18 that language.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.155
20 RCW to read as follows:

21 A school that is required to develop an individualized education
22 program as required by federal law must include within the plan
23 procedures for notification of a parent or guardian regarding the use
24 of restraint or isolation.

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

27 Parents and guardians of children who have individualized education
28 programs or plans developed under section 504 of the rehabilitation act
29 of 1973 must be provided a copy of the district policy on the use of
30 isolation and restraint at the time that the program or plan is
31 created.

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