
SUBSTITUTE SENATE BILL 6418

State of Washington

60th Legislature

2008 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Kauffman, Kohl-Welles, Rasmussen, Delvin, Marr, Fairley, Pflug, Eide, Pridemore, Fraser, Kline, Rockefeller, Regala, and Franklin)

READ FIRST TIME 02/08/08.

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

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, including mechanical or chemical
8 restraint. 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, including mechanical or
3 chemical restraint as an intervention in the school environment should
4 be used only in emergency situations after other less intensive
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 restraint" means the use of force or physical
12 intervention to control a student or limit a student's freedom of
13 movement through the use of pepper spray or the administration of any
14 medication for the purpose of restraining the student.

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

20 (c) "School resource officer" means a commissioned law enforcement
21 officer, or person with the equivalent training from the criminal
22 justice training commission but who is not commissioned, who provides
23 security and law enforcement services at one or more public schools
24 under the direction of a school administrator.

25 (d) "School security officer" means a person other than a school
26 resource officer who provides security services at one or more public
27 schools under the direction of a school administrator.

28 (2) Except as provided in subsection (3) of this section, the use
29 of mechanical or chemical restraint in the public schools is
30 prohibited.

31 (3) This section does not prohibit:

32 (a) The use of mechanical or chemical restraint when such use is
33 permitted or required by and is consistent with a student's 504 plan or
34 individualized education plan;

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

1 (c) Commissioned law enforcement officers, school resource
2 officers, or judicial authorities from exercising their authority or
3 executing their responsibilities, including the physical detainment of
4 a student or other person.

5 NEW SECTION. **Sec. 3.** (1) The Washington state school directors'
6 association shall mediate and facilitate a school disciplinary action
7 task force to review and make recommendations on the development of a
8 model policy regarding the use of physical force in schools. For the
9 purpose of the task force review, physical force shall, at a minimum,
10 include the use of physical or bodily restraint as well as mechanical
11 and chemical restraint devices.

12 (2) The task force shall be chaired by a member of the Washington
13 state school directors' association and shall consist of twelve
14 additional members. The members shall be appointed as provided in this
15 subsection.

16 (a) The president of the senate shall appoint one member from each
17 of the two largest caucuses of the senate. The speaker of the house of
18 representatives shall appoint one member from each of the two largest
19 caucuses of the house of representatives.

20 (b) The Washington association of sheriffs and police chiefs shall
21 appoint one member.

22 (c) The Washington state parent teacher association shall appoint
23 one member.

24 (d) The superintendent of public instruction shall select a member
25 of the school safety advisory committee to serve as a member of the
26 task force.

27 (e) The Washington state school directors' association shall
28 appoint the remaining five members of the task force from organizations
29 that express interest in participating on the task force and that have
30 a history of involvement with school disciplinary action. One of the
31 appointments shall be a representative of an organization representing
32 the minority community that has been actively involved in monitoring
33 the issue of school disciplinary action. One of the appointments shall
34 be a representative of a civil rights organization that has been
35 actively involved in monitoring the issue of school disciplinary
36 action. For the remaining three appointments, the association shall

1 strive to appoint members who are representative of a wide range of
2 viewpoints and backgrounds, including representation from community
3 members and public education stakeholders.

4 (3) The Washington state school directors' association and the
5 senate committee services and the house of representatives office of
6 program research staff from the education committees of the legislature
7 shall staff the task force.

8 (4) In developing recommendations, the task force shall review a
9 representative sampling of discipline policies used in other states and
10 those used by school districts in Washington. The task force shall, at
11 a minimum, develop recommendations on the following issues:

12 (a) A description and recommendation on the methods of physical
13 force that should be authorized at the school and under what
14 conditions, including definitions of relevant terms. The
15 recommendations shall, at a minimum, distinguish when each of the types
16 of physical force, including mechanical or chemical restraint, should
17 and should not be used, who should and should not be authorized to use
18 each type of physical force, and recommendations for when de-escalation
19 tactics should be used;

20 (b) Recommendations for training requirements for those authorized
21 to use each of the types of physical force as well as training
22 recommendations for de-escalation tactics;

23 (c) Recommendations on incident reporting requirements and the
24 follow-up procedures to be used whenever there is a use of physical
25 force by school personnel, including, at a minimum, written reporting
26 requirements, the timeline of the reporting requirements, and whether
27 there should be annual reporting to the office of the superintendent of
28 public instruction of additional data on disciplinary action, including
29 physical force; and

30 (d) Recommendations on procedures for notification to parents or
31 guardians.

32 (5) The task force shall submit a report with recommendations to
33 the education committees of the legislature by November 2008.

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