



Restraint and Isolation in Seattle Public Schools

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Restraint and Isolation are defined by state law in RCW 28A.600.485

Major changes to the laws governing restraint and isolation of students occurred in 2013 with HB 1688 and 2015 with SB HB 1240. Many parents and students from Seattle Public Schools were involved in the work of passing those bills, as well as many other parents and students. Organizations such as the Arc of King County, DDA , ASAN and PAVE were also involved.

SUBSTITUTE HOUSE BILL 1240

AS AMENDED BY THE SENATE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By House Education (originally sponsored by Representatives Pollet, Santos, S. Hunt, Orwall, Senn, Lytton, Robinson, Walsh, Griffey, Goodman, Buys, and Tarleton)

READ FIRST TIME 02/20/15.

House Bill 1240 (2015)

“The legislature finds that there is no educational or therapeutic benefit to children from physically restraining or isolating them as part of their public school programs when not necessary for immediate safety. The use of seclusion or restraints in nonemergency situations poses significant physical and psychological danger to students and school staff. The legislature declares that it is the policy of the state of Washington to prohibit the planned use of aversive interventions, to promote positive interventions when a student with disabilities is determined to need specially designed instruction to address behavior, and to prohibit schools from physically restraining or isolating any student except when the student's behavior poses an imminent likelihood of serious harm to that student or another person.”

1 AN ACT Relating to restraint or isolation of students, including
2 students with disabilities, in public schools; amending RCW
3 28A.155.020 and 28A.600.485; 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 there is no
6 educational or therapeutic benefit to children from physically
7 restraining or isolating them as part of their public school programs
8 when not necessary for immediate safety. The use of seclusion or
9 restraints in nonemergency situations poses significant physical and
10 psychological danger to students and school staff. The legislature
11 declares that it is the policy of the state of Washington to prohibit
12 the planned use of aversive interventions, to promote positive
13 interventions when a student with disabilities is determined to need
14 specially designed instruction to address behavior, and to prohibit
15 schools from physically restraining or isolating any student except
16 when the student's behavior poses an imminent likelihood of serious
17 harm to that student or another person.

18 **Sec. 2.** RCW 28A.155.020 and 2007 c 115 s 2 are each amended to
19 read as follows:

What is Restraint?


- RCW 28A.600.485 defines restraint as physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.



What is Isolation?



- RCW 28A.600.485 defines isolation as restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.
- Federally and in other states isolation is known as "seclusion."
- Any room from which a student is alone and may not leave is an isolation room.

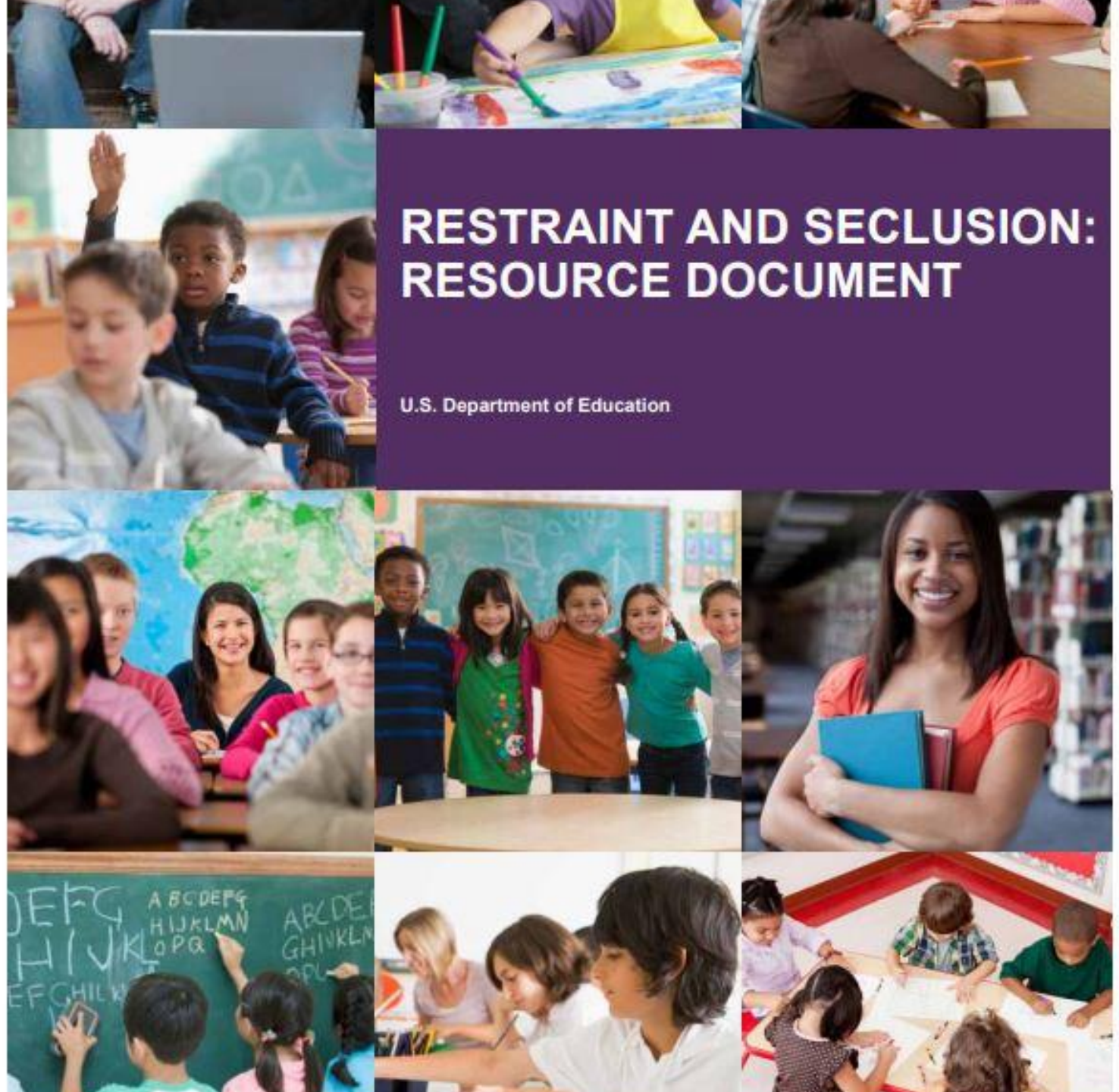


There is no federal law governing restraint and isolation (aka seclusion).

- Should there be?
- Federal legislation called the Keeping All Students Safe Act has been introduced in every session for the past 19 years.

But, there is federal guidance: US Department of Education Restraint and Seclusion Resource Document


Federal guidance, is not law, but is considered "persuasive authority." Guidance may carry the force of law in some situations, such as in civil rights enforcement actions.





Fifteen Principles Governing Restraint and Isolation

1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.
4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.




5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.

6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.

7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.

8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.

9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.



10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.

11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.


12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State, or local laws.

13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.



14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.

15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.



Washington State law prohibits the use of restraint or isolation in public schools except when it is “reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm.” RCW 28A.600.485.

Any use of restraint or isolation must be closely monitored to prevent harm to the student, and must be stopped as soon as the likelihood of serious harm has ended.

Schools must notify parents any time a student is restrained or isolated at school.

Schools have to try to inform parents verbally within 24 hours of the restraint or isolation.

Schools also have to send parents written notice of each incident of restraint or isolation within 5 business days of the incident.

Look to WAC 392-172A-01109 for meaning of “imminent likelihood of serious harm”

- Imminent means: likely to occur at any moment, or near at hand. Not distant or remote.
- Likelihood of serious harm means: a substantial risk that a person will cause physical harm to themselves or another person, or substantial loss or damage to another person’s property. Evidence that there is a likelihood of serious harm might include:
 - threats or attempts to commit suicide or harm themselves;
 - behavior that has physically harmed someone in the past, or makes a person reasonably fear they will be physically harmed;
 - behavior that has caused substantial damage in the past; or
 - a threat to someone else’s physical safety, if the person making the threat has a history of one or more violent acts.

Who gets restrained or put into isolation





Students with Disabilities

According to the US Department of Education Civil Rights Data Collection, during the 2013-14 school year, students with disabilities were subjected to mechanical and physical restraint and seclusion at rates that far exceeded those of other students. Specifically, students with disabilities served by the Individuals with Disabilities Education Act (IDEA) represented 12% of students enrolled in public schools nationally, but 67% of the students who were subjected to restraint or seclusion in school

Seattle reported that 99% of students who experienced restraint were students with disabilities, and 100% of the students who experienced isolation were students with disabilities. Data is from the Civil Rights Data Collection available at <https://ocrdata.ed.gov/Page?t=d&eid=31355&syk=8&pid=2293>

The screenshot displays the ED.gov Civil Rights Data Collection interface. The main header reads "CIVIL RIGHTS Data Collection". The breadcrumb trail is "CRDC > School/District Search > LEA Summary of Selected Facts > Discipline, Restraints/Seclusion Harassment/Bullying > Restraints and Seclusion - Instances". The selected school is "Seattle Public Schools | SEATTLE, WA" with NCES ID: 5307710 and Survey Year: 2015. The page title is "Restraints and Seclusion - Instances". A table titled "Restraints & Seclusion" provides the following data:

	Students Without Disabilities	Students with Disabilities (IDEA)	Students with Disabilities (Section 504 Only)
Mechanical Restraints	0	0	0
Physical Restraints	3	301	10
Seclusion	0	42	5

Additional navigation and information on the page include a sidebar with links like "HOME", "SCHOOL & DISTRICT SEARCH", and "DETAILED DATA TABLES". On the right, there are links for "Home", "Print Page", "Search Results", and "Additional Discipline and Bullying Facts". A "Chart > Table" toggle is also present.



No official data on other
demographics in Seattle
or Washington State

But we can guess...

Restraint Incidents in SPS 2018-2019 (date reported by SPS to OSPI available at

<https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-resource-library/restraint-and-isolation>

		StudentsRestrained 2018	RestraintIncidents 2018- 20	StudentsRestraine	RestraintIncidents 2017-2018			
Adams Elementary School	2138	1	1	1	10			
Aki Kurose Middle School	3774	0	0	0	0			
Alki Elementary School	2181	0	0	0	0			
Arbor Heights Elementary School	2730	4	14	1	3			
B F Day Elementary School	3717	9	23	7	63			
Bailey Gatzert Elementary School	2307	2	2	0	0			
Ballard High School	2220	0	0	0	0			
Beacon Hill International School	2070	0	0	0	0			
Birth to 3 Contracts	5048	0	0	0	0			
Bridges Transition	5406	17	176	6	51			
Broadview-Thomson K-8 School	2209	2	12	2	8			
Bryant Elementary School	2372	0	0	0	0			
Cascade Parent Partnership Program	1751	0	0	0	0			
Cascadia Elementary	5292	1	5	0	0			
Catharine Blaine K-8 School	2838	0	0	0	0			
Cedar Park Elementary School	5487	0	0	0	0			
Chief Sealth International High School	3096	1	15	0	0			
Cleveland High School STEM	2392	0	0	0	0			
Concord International School	2199	0	0	1	2			
Daniel Bagley Elementary School	2450	2	2	2	2			
David T. Denny International Middle School	2839	1	1	6	14			
Dearborn Park International School	3803	1	5	0	0			
Decatur Elementary School	5488	0	0	0	0			

Sorted by number of Incidents 2018-2019

Northgate Elementary School	3027	4	5	14	88		
West Seattle High School	2234	4	5	0	0		
Genesee Hill Elementary	3429	3	3	4	7		
Lowell Elementary School	3714	3	4	3	7		
Madrona K-5 School	2069	3	11	1	1		
Martin Luther King Jr. Elementary School	2089	3	3	0	0		
Thornton Creek Elementary School	3974	3	5	2	3		
Bailey Gatzert Elementary School	2307	2	2	0	0		
Broadview-Thomson K-8 School	2209	2	12	2	8		
Daniel Bagley Elementary School	2450	2	2	2	2		
Fairmount Park Elementary School	3518	2	4	1	1		
Ingraham High School	3276	2	10	0	0		
John Muir Elementary School	2143	2	6	0	0		
Montlake Elementary School	2322	2	6	1	3		
Olympic Hills Elementary School	2976	2	3	0	0		
Olympic View Elementary School	2256	2	21	2	14		
Residential Consortium	4263	2	2	3	42		
Roosevelt High School	2285	2	21	0	0		
Sacajawea Elementary School	3028	2	2	2	12		
Salmon Bay K-8 School	1796	2	2	0	0		
Viewlands Elementary School	2977	2	3	1	19		
Adams Elementary School	2138	1	1	1	10		
Cascadia Elementary	5292	1	5	0	0		

Social Emotional Learning Classrooms

		StudentsRestrained 2018	RestraintIncidents 2018- 20	StudentsRestraine	RestraintIncidents 2017-2018				
Bridges Transition	5406	17	176	6	51				
Gateway Elementary School	2139	17	121	12	140				
Highland Park Elementary School	2269	11	45	4	5				
B F Day Elementary School	3717	9	23	7	63				
Stevens Elementary School	2080	8	35	0	0				
Kimball Elementary School	3478	5	29	0	0				
Sanislo Elementary School	3665	5	14	0	0				
View Ridge Elementary School	2667	5	12	2	2				
Arbor Heights Elementary School	2730	4	14	1	3				
Emerson Elementary School	2118	4	4	4	12				
Laurelhurst Elementary School	2437	4	16	9	27				
Northgate Elementary School	3027	4	5	14	88				
West Seattle High School	2234	4	5	0	0				
Genesee Hill Elementary	3429	3	3	4	7				



Difficult to tell if there is racial disproportionality
because there is no data

But...

Disproportionality exists in identification for special education

(data is from Washington Performance Data at <https://www.k12.wa.us/student-success/special-education/special-education-data-collection>)

	Amer Ind/Alaska Native			Asian			Black or African American			Native Hawaiian or Other Pac Islander		
Identification:	Risk Ratio			Risk Ratio			Risk Ratio			Risk Ratio		
Indicator 9:	17-18	18-19	19-20	17-18	18-19	19-20	17-18	18-19	19-20	17-18	18-19	19-20
All Disabilities	2.20	2.09	2.30	0.61	0.61	0.64	1.40	1.42	1.32	1.20	1.22	1.09
Indicator 10:												0
Autism	0.00	0.00	0.91	0.87	0.91	0.88	0.87	0.79	0.80	0.00	0.00	0.26
Communication Disorders	0.00	0.00	0.84	0.75	0.78	0.90	0.49	0.51	0.67	0.00	0.00	0.63
Emotional/Behavioral Disabilities	0.00	0.00	3.25	0.28	0.30	0.35	2.12	2.32	1.87	0.00	0.00	2.43
Other Health Impairments	1.77	0.00	1.33	0.35	0.31	0.34	1.19	1.13	1.03	0.00	0.00	1.17
Intellectual Disabilities	0.00	0.00	3.06	0.93	0.86	0.70	3.88	4.27	4.37	0.00	0.00	0.00
Specific Learning Disabilities	3.61	3.74	3.72	0.58	0.59	0.59	1.78	1.80	1.62	1.77	1.88	1.06
	Hispanic or Latino			Caucasian or White			Two or more Races -- Multiracial					
Identification:	Risk Ratio			Risk Ratio			Risk Ratio					
Indicator 9:	17-18	18-19	19-20	17-18	18-19	19-20	17-18	18-19	19-20			
All Disabilities	1.48	1.48	1.42	0.86	0.85	0.86	0.85	0.86	0.94			
Indicator 10:												
Autism	0.71	0.81	0.86	1.41	1.34	1.31	0.85	0.89	0.91			
Communication Disorders	0.97	1.41	1.30	1.43	1.41	1.30	1.18	1.17	1.21			
Emotional/Behavioral Disabilities	1.35	1.17	1.21	0.70	0.71	0.77	1.07	1.05	1.14			

Seattle Public Schools Policy and Procedures for Restraint and Isolation

- Policy Available at https://www.seattleschools.org/UserFiles/Servers/Server_543/File/District/Departments/School%20Board/Policies/Series%203000/3246.pdf
- 3246SP Procedure Available at https://www.seattleschools.org/UserFiles/Servers/Server_543/File/District/Departments/School%20Board/Procedures/Series%203000/3246SP.pdf



How Seattle's Procedure Differs from State Law and WSSDA model policy

- Prohibits holding a student against a wall or floor
- Requires administrator to report underreporting to HR
- Statement that training is offered (but does not require training!)
- Strong limits to prevent injury to student

Emergency Response Protocols

WAC 392-172A-02105

- New since 2015
- Allows District/Families to formalize conditions of use of restraints in the IEP
- Districts may use to limit district's liability
- May be useful in limited circumstances such as a student who engages in self-injury
- Parents must consent in writing to its use.
- Parents often refuse for good reason.



Advocacy for Individual Students

- Know the reporting requirements
- Advocate for good Functional Behavior Assessments to include by someone with training and a responsive BIP
- Insist on good debriefing of each incident. Go over the ABCs
- Ask for an IEP meeting if there are repeated incidents of similar behavior
- Go up the chain of command
- Make a complaint



Systemic Advocacy

- DATA!
- Work with other parents and groups
- Provide parent/student testimony at the local and state level

Example of effective school board testimony: <https://youtu.be/oqbVFnaYnzc>



Questions?