

# Isolation and Restraint

## General Education & Special Education Student's

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**Isolation** as defined in RCW 28A.600.485 means: 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. Please see Washington Administrative Code (WAC) under WAC 392-172A-01107

**Restraint** as defined in RCW 28A.600.485 means: 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 participate in activities safely. Please see Washington Administrative Code (WAC) under WAC 392-172A-01162.

**Restraint device** as defined in RCW 28A.600.485 means: A device used to assist in controlling a student including, but not limited to, metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. This section shall not be construed as encouraging the use of these devices. A restraint device does not include a seat harness used to transport a student safely or other safety devices, including safety belts for wheelchairs, changing tables, booster seats, and other ambulatory or therapeutic devices when used for the purpose intended for the safety of a student. Please see Washington Administrative Code (WAC) under WAC 392-172A-01163.

**Imminent** as defined in RCW 70.96B.010 means: The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote. Please see Washington Administrative Code (WAC) under WAC 392-172A-01092.

**Likelihood of Serious Harm** as defined in RCW 70.96B.010 means:

1. A substantial risk that:

- a) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
  - b) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or
  - c) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
2. The person has threatened the physical safety of another and has a history of one or more violent acts.

Please see Washington Administrative Code (WAC) under WAC 392-172A-01109

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Regarding the following Did You Know?! statements, please see Revised Code of Washington (RCW) under RCW 28A.600.485 **Restraint of students-Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973-Procedures-Summary of incidents of isolation or restraint-Publishing to web site.**

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### **Did You Know?!**

Isolation or Restraint may not be used as a planned behavior intervention, unless the student's individual needs require more "advanced educational planning" and the student's parent or guardian agrees. This is specific to an Individualized Education Program (IEP) or Section 504 Plan.

### **Did You Know?!**

Isolation or Restraint is permitted only when "reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm".

### **Did You Know?!**

Isolation or Restraint must be stopped as soon as the likelihood of serious harm is over.

**Did You Know?!**

School districts are required to have a policy providing for the least amount of Isolation or Restraint appropriate to protect the safety of the student and the safety of the staff.

**Did You Know?!**

School districts are required to implement follow up procedures after the use of every Isolation or Restraint.

**Did You Know?!**

Any school employee, resource officer, or school security officer, who uses Isolation or Restraint, during school-sponsored instruction or activities, must inform the building administrator or administrator's designee, as soon as possible, **and** within two (2) business days submit a written report of the incident to the district office.

**What is to be included in the follow up procedures required of school districts?**

Procedures must include:

- Review the incident with the student and parent (or guardian) to address the behavior that caused the Isolation or Restraint and the appropriateness of the response.
- Review the incident (cause) with staff member(s) who administered the Isolation or Restraint to discuss whether proper procedures were followed and what training or support the staff member(s) need to help the student avoid similar incidents.

**Are the follow up procedures required every time Isolation or Restraint is used?**

Yes

**Are the follow up procedures only required for Isolation or Restraint of a Special Education student?**

No, all students.

**What minimum items are required in the written report?**

- Date and time of the incident
- Name and job title of the staff who administered the Isolation or Restraint
- A description of the activity that led to the Isolation or Restraint
- Type of Isolation or Restraint used on the student and the duration
- Whether the student or staff was physically injured during the Isolation or Restraint incident and any medical care provided
- Any recommendations for changing the nature or amount of resources available to the student and staff in order to avoid similar incidents

**How should the school district let the parent know if Isolation or Restraint has been used?**

The Principal or Principal's designee are required to make "reasonable effort" to verbally inform parents within 24 hours of the incident and send written notification to the parent as soon as practical but postmarked no later than 5 business days.

**Can the school district require the parent to agree to Isolation or Restraint even as a part of a behavior intervention?**

No, however, if the student's individual needs require more "advanced educational planning" and the parent (guardian) agrees, yes.

**What does "advanced educational planning" mean?**

Please see Washington Administrative Code (WAC) under WAC 392-172A-02105. **Emergency response protocols.**

**Does this mean the school district cannot**

That is correct. The parent must agree to the need for "advanced educational planning".

**require the parent sign any Emergency Response Protocol (ERP) document?**

And if the parent wants, they may, in writing, revoke any previous consent.

**How do you find out how often Isolation or Restraint is used?**

School districts are required to annually provide a summary to the Office of Superintendent of Public Instruction (OSPI).

No later than ninety days after receiving the information from school districts, the Office of Superintendent of Public Instruction (OSPI) is to publish the information on its web site.

**Where is the information found?**

The most recent published information is listed under **Restraint and Isolation Data Reporting** on the Office of Superintendent of Public Instruction (OSPI) web site.

**How do you find out how often Isolation or Restraint is used in a school district?**

Anyone has the right to ask for records and/or documents from a school district. It is through the Public Records Act.

Each public entity is to have a listed policy of how to request public information and the type of records and/or documents available.

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**Did You Know?!**

An Isolation and Restraint occurs if a room is cleared and a student is left in the room by themselves.

**Did You Know?!**

Sensory Rooms are not an Isolation and Restraint if the student is not left alone and the door is not locked.