

From: [John Bresko](#) on behalf of [John Bresko <John.Bresko@k12.wa.us>](#)
To: [Coleman Kathryn - SPSR](#)
Subject: RE: Isolation and Restraint policy?
Date: Wednesday, September 9, 2015 1:31:11 PM

Kathryn, OSPI has withdrawn the proposed regulations on the implementation of 1240 and have redrafted new regulations. A new hearing will be scheduled once the newly proposed regulations are posted to the web site. I just sent this out to Jennifer for her use. Following this, I will provide you a copy of the bill summary which may (?) be useful. Pay attention to the website noted as the newly proposed regulations will be posted there. All this is done by the Office of the Code Reviser that has their own time frame.

Fran and Jennifer, I have received and expect to receive phone calls regarding the new restraint and isolation proposed regulations. They are not yet posted. The old proposed regulations are posted but they are no longer viable. Keep trolling this site for updated proposed regulations. OSPI will be holding a hearing on these proposed regulations as per the regulatory process.

Site for updated restraint and isolation proposed rules.
<http://k12.wa.us/SpecialEd/Rulemaking.aspx>

Here is the old information. This is NO Good. Look for new dates.

Washington Administrative Code (WAC) 392-172A - Proposed Rule Making to Address SHB 1240 and Other Proposed Rule Changes.

The Special Education Section of the Office of Superintendent of Public Instruction (OSPI) filed a notice of proposed rulemaking (CR-102) with the Office of the Code Reviser on July 1, 2015. The proposed rules will be published in the Washington State Register on **July 15, 2015**. (See: [CR-102](#) and [proposed rules](#)) The proposed rules amend, add, and repeal sections under Chapter 392-172A WAC. This proposal is to address amendments to RCW 28A.155.020 and RCW 28A.600.485 as a result of recent legislative changes under SHB 1240, Laws of 2015 "An Act Relating to Restraint and Isolation of Students, Including Students with Disabilities in Public Schools." OSPI is also proposing to amend WAC 392-172A-05125, so that it is consistent with the federal Department of Education rules at 34 CFR 300.518, when addressing a student's status during due process proceedings.

Summary:

Requirements related to restraint of students with IEPs or Section 504 plans are made applicable to all students. An IEP or Section 504 plan may not include the use of R or I as a planned behavior intervention, unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees. All other plans may refer to the district policy on R or I. It is stated that these requirements are not intended to limit the provision of a free appropriate public education under Part B of the IDEA or Section 504 of the Rehabilitation Act.

The R or I of any student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, meaning: there is evidence of a substantial risk that the student will inflict physical harm upon his or her own person, upon another, or upon the property of others; or the student has threatened the physical safety of another and has a history of one or more violent acts.

When a student is placed in R or I, the student must be closely monitored to prevent harm to the student, and the R or I must be discontinued as soon as the likelihood of serious harm has dissipated. Each school district must adopt a policy providing for the least amount of R or I appropriate to protect the safety of students and staff under such circumstances.

Schools are required to follow-up after incidents of R or I:

with the student and the parent or guardian, to review the appropriateness of the response; and with the staff member who administered the R or I, to review what training or support the staff member needs to help the student avoid similar incidents.

Schools are required to report incidents of isolation, in addition to incidents of restraint, and reports must include any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid further incidents. Beginning January 1, 2016, and by January 1 annually, each district must summarize the written reports received by the schools and submit the summaries to the OSPI. For each school, the district summary must include the number of individual incidents of R or I, the number of students involved in the incidents, the number of injuries to students and staff, and the types of R or I.

OSPI may use the data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of R or I.

Excluding a student from his or her regular instructional area is removed from the definition of "isolation." Isolation does not include the voluntary use by a student of a quiet space for self-calming, or the 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. The definition of "restraint" is modified to include the use of devices to restrict a student's freedom of movement, but not the 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. The definition of "restraint device" is modified to exclude a seat harness used to safely transport students, and the term must not be construed as encouraging the use of these devices. For purposes of the OSPI rules on special education eligibility criteria, the term "aversive interventions" is changed to "positive behavior interventions."

From: Coleman Kathryn - SPSR [mailto:KatieC@cksd.wednet.edu]

Sent: Wednesday, September 09, 2015 12:39 PM

To: John Bresko

Subject: Isolation and Restraint policy?

Hi John,

Do we know anything more about the guidance around the isolation and restraint policy?

Thanks

Kathryn Coleman
Director of Special Services
Central Kitsap School District
[360-662-1040](tel:360-662-1040)

