



Sweetser Law Office, PLLC

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Contact: Sweetser Law Office
(509) 444-4444

Protecting Children from Isolated Confinement in Spokane Elementary Schools *Consent Decree Requires School District to Reform Isolation Room Practices*

Spokane – The Spokane Public School District has entered into a Consent Decree as part of a settlement with clients of Sweetser Law Office.

The Consent Decree requires the District to reform their isolation practices, comply with state and federal law, and align their practices with practices supported by behavioral assessment research.

Isolation rooms have been used more frequently in Spokane Public Schools than anywhere else in the State. Overuse and underreporting of isolation has been a common practice in an alarming number Spokane elementary schools:

- The isolation spaces have various names, including “the cooler,” “the teddy bear room,” and “the safety room.”
- Shut inside for hours, children as young as five- and six-years-old often cry for their parents, scream in anger, and beg to be let out. They scratch at windows, tear at padded walls, and kick or throw their bodies against locked doors. Sometimes children are secluded for so long – four to five hours at a time – they vomit or wet their pants.
- Many of the students confined to these spaces are young children with special needs. They are the kids least likely to comprehend why it is happening.

Schools are supposed to be safe places. When children leave the safety of their homes for the first time to enter the public school system, they have rights protected under the law.

Washington State’s Legislature has declared isolation practices have “no educational or therapeutic benefit” and “pose significant physical and psychological danger to students and school staff.” Under Washington State law, isolation is only warranted under a specific set of circumstances “when a student’s behavior poses an *imminent* likelihood of serious harm,” and “isolation must be discontinued as soon as the likelihood of serious harm has dissipated.” RCW 28A.600.485; WAC 392-172A-02110.

Isolated confinement to a padded box is not a substitute for a proper assessment, evaluation, and intervention plan.

With entry of the Consent Decree, all principals and administrators within Spokane Public Schools are on notice that overuse and underreporting of isolation will no longer be tolerated.

If you believe your child was improperly isolated at his or her school, Sweetser Law Office would like to hear from you. While every case is different, we are committed to protecting children’s right to school safety.

The Consent Decree order signed by the Court is reproduced below:

Consent Decree. The Court hereby enters a Consent Decree Remedial Action Plan. The intent of the consent decree is to ensure that students with disabilities timely receive the programs and services they are entitled to, and to ensure only proper use of physical confinement, restraint, or isolation of students in the District. The full Consent Decree and Spokane School District's corresponding policies and procedures are attached as Exhibit 1, and contain the following provisions the District agrees to:

- a. The District will comply with its obligations to assess, evaluate, and provide functional behavioral assessments and behavioral intervention plans that are consistent with current peer-reviewed research in the field, to the extent practical.
- b. The District will comply with its obligations whenever confining a child to a room or other enclosure in which the child may not leave.
- c. The District will set benchmarks and goals involving:
 - i. Ensuring timely and compliant services for students with behavioral and social issues when the District becomes aware it is affecting a child's ability to be educated in the generalized educational environment;
 - ii. Setting benchmarks to measure equity in classification and discipline of students with disabilities;
 - iii. Setting benchmarks to measure achievement and graduation rates of students with disabilities;
 - iv. Setting benchmarks to measure parental participation in the development of students' individualized education programs;
 - v. Setting benchmarks to measure the availability of behavioral specialists in Spokane elementary schools.
- d. The District will appoint a person responsible for supervising and coordinating the District's compliance with its obligations and standards promulgated by the OSPI (the Office of Superintendent of Public Instruction), and that person will be notified when the District receives complaints regarding physical confinement or isolation of any child with disabilities.
- e. The District will report annually as required regarding isolation or restraint, and will implement measures to ensure the reporting is accurate.
- f. If the District discovers it has failed to maintain compliance with the standards and obligations herein, it will promptly establish procedures for coming back into compliance.

Contact Sweetser Law Office at (509) 444-4444. Justice is Worth Calling For.

