



Summary of
Settlement Agreement
between
The United States of America
and
Spokane Public Schools





Overview

This document summarizes the Settlement Agreement between the United States and Spokane Public Schools (District) to address discrimination against students with disabilities in the use of student isolations and physical restraints.

The United States Department of Justice, Civil Rights Division, Educational Opportunities Section, opened an investigation of the District under Title II of the Americans with Disabilities Act in November 2020. The District fully cooperated with the United States during the investigation. On April 17, 2023, the United States and the District reached a Settlement Agreement (Agreement).

This document summarizes the Agreement. You can read the entire Agreement on the Department of Justice's [website](#).

This summary is intended to increase awareness of the Agreement and share with the Spokane community the steps the District is taking to better serve its students with disabilities. This summary is designed for people who may not have a legal background.





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Section 1: General Terms

Highlights

- The District will follow federal law **prohibiting discrimination based on disability**.
- The purpose of the Agreement is to **address discrimination** on the basis of disability in the use of isolation and restraints and to **improve educational opportunities** for students with disabilities in the District.

More information and resources about the Department of Justice's work to address discriminatory isolation and restraint practices are available [here](#).





Section 2: Intervention Coordinator

Highlights

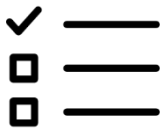
- The District has appointed an **Intervention Coordinator**, who will be responsible for:



REVIEWING
all incidents of isolation
or restraint.



ENSURING
required follow-up
occurs after each
incident.



**EVALUATING &
IMPROVING**
the District's restraint
practices.



OVERSEEING
trainings.





Section 3: Classroom-Wide Behavior Management Plans

Highlights

- The District will create **Classroom-Wide Behavior Management Plans** (Classroom Plans) for the Behavioral Intervention Program, Designed Instruction Program, and ABLE Program.
- Each Classroom Plan will be based on **data analysis**, focus on **proactive strategies**, promote and reinforce **positive behaviors**, and ensure staff use **appropriate de-escalation techniques**.
- The District will explain the Classroom Plans to **parents and guardians** and provide them with **copies of the plans**.
- Parents and guardians can **request reasonable modifications** to Classroom Plans for their student.

Deliverable:

The District will submit draft Classroom Plans to the United States by **July 1, 2023**, to be implemented in the 2023 2024 school year.





Section 4: Isolation Practices

Highlights

- The District **will**:
 - **Prohibit the use of isolation.**
 - **Tell employees** that isolation is prohibited.
- The District **will not**:
 - **Use any rooms or areas** in any school buildings to isolate students.
 - Place students in **former isolation rooms**, including for any student behavioral or disciplinary purpose.

What is isolation?

Isolation is the involuntary confinement of a student alone in any room or area that they are physically prevented from leaving.

What is not isolation?

Isolation is **NOT** a student's voluntary use of a quiet space for self-calming. Isolation is not a temporary removal of a student from his or her regular instructional area to an unlocked area with a staff member for purposes of carrying out an appropriate positive behavior intervention plan.

Deliverable:

The District will draft revised policies reflecting this prohibition and submit the proposed policies to the United States for review within **60 days** of the date of the Agreement.





Section 5: Restraint Practices

Highlights

- The District will **prohibit the use of restraint except for when there is an imminent likelihood of serious harm** to the student or others.
- Restraint will **not** be used:
 - **To move a student** to a new location or **prevent a student from leaving** a physical space, unless failure to do so will create an **imminent likelihood of serious harm**;
 - When a **de-escalation technique** or **less restrictive intervention** would be effective;
 - When any **risk of serious harm is over**; or
 - As a **punishment** or to force compliance with rules or directives.

What is restraint?

Restraint is physical intervention or force used to control a student, including the use of a restraint device, to involuntarily immobilize a student or to restrict a student's ability to move freely.

What is not restraint?

Restraint does **NOT** include a temporary touching of the hand, wrist, arm, shoulder, or back without applying pressure or force for the purpose of guiding or directing a student. 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.

Deliverable:

The District will draft revised restraint policies reflecting these requirements and submit the proposed policies to the United States for review within **60 days** of the date of the Agreement.





Section 6: Documentation and Monitoring

Highlights

- For any instance of isolation or restraint, **the District must complete an Incident Report.**
 - School and District staff will review all **Incident Reports** to ensure policies were followed, to evaluate whether a student's Behavior Intervention Plan (BIP) was implemented correctly or whether a new BIP may be needed, to discuss ways to improve practices, and to take any remedial action necessary.
 - The District will monitor its use of restraint and isolation by **tracking important information in a central database** and by conducting annual reviews.
- **Incident Reports** will include **detailed notes and important information** to help staff safely respond to a student's future behavior and **reduce the use of restraint**, including information on:
 - What happened immediately before the student's behavior;
 - Techniques used to try to calm the student down;
 - Behavior descriptions;
 - Descriptions of the restraint or isolation, including duration and techniques used;
 - The role each staff person played in the incident;
 - Wellness checks of a student following the incident; and
 - Notes from debriefs with staff, student, and parents and guardians.

Deliverable:

The District will revise its Incident Report form to include fields for tracking important information.





Section 7: Student Behavior Plans

Highlights

What is a BIP?

A “**Behavior Intervention Plan**” or “**BIP**” is an individualized plan that uses positive behavioral interventions to respond to a specific problem behavior. BIPs are developed based on findings from a Functional Behavioral Assessment (FBA). BIPs focus on the target behaviors identified in an FBA.

What is an FBA?

A “**Functional Behavioral Assessment**” or “**FBA**” is a systematic process that is used to define a target behavior, identify factors that contribute to the behavior, and determine the underlying reasons for a behavior, so that an effective BIP can be developed.

What is an ERP?

An “**Emergency Response Protocol**” or “**ERP**” is a plan that the District develops for a student receiving special education, if the District and parents agree that advance planning for possible emergencies is needed.

- All **Behavior Intervention Plans (BIPs)** will be **individualized** for each student, **current**, and **aligned** with the functions of the student’s target behavior.
- **Emergency Response Protocols (ERPs)** will **only permit** use of Restraint on an individual basis where the documented history of the intensity of a student’s past behaviors makes it **necessary**.

Deliverables:

By **Dec. 31, 2023**, the District will **review all current BIPs** of current students who were isolated and/or restrained between August 2018 and April 17, 2023, and revise the BIPs as needed to comply with this Agreement.

Before the 2023-2024 school year, the District will **review all ERPs of current students** and revise or remove them from students’ plans as needed to comply with this Agreement.





Section 8: Complaint Procedure

Highlights

- The District will **develop a complaint procedure** to ensure that it responds in a timely fashion to any complaint about the use of isolation or restraint.
- Under this complaint procedure:
 - Complaints can be made **orally or in writing** by **any individual**. This includes students, parents, guardians, advocates, staff, and others.
 - The District will resolve all complaints **within 60 school days** of receipt and provide a **written explanation** of the resolution.
 - The District will ensure **appropriate remedial action** is taken in response to each complaint.
 - The District will **not take any adverse action** – including retaliation, harassment, or any negative educational consequence – against the student, complainant, or any other individual for filing a complaint or participating in the complaint process.

Deliverables:

The District will draft its complaint procedure and submit it to the United States for review within **60 days** of the date of the Agreement.





Section 9: Notice to Parents/Guardians

Highlights

- The District will **send a letter** to all parents and guardians of currently enrolled students who were isolated or restrained from **August 2018 through April 17, 2023**, stating:
 - The **number of times** their student was restrained and/or isolated; and
 - Information about **compensatory education and counseling services**, described on the next page.
- When a student has been restrained or isolated, the school will take steps to **speak with the parent or guardian by the end of the school day** and send an **Incident Report** home within 3 school days.
- A **school cannot require or encourage** a parent or guardian to take their student with a disability **home from school because of that student's behavior** unless the student has been assigned an out-of-school suspension or expulsion (though a parent or guardian who **requests** to take their student home may still be permitted to do so).





Section 10: Compensatory Education and Counseling

Highlights

- For each student currently enrolled in the District who was isolated or restrained from **August 2018 through April 17, 2023**, the District will offer:
 - **Counseling** for at least one hour per incident and as much time as the counselor determines is needed; and
 - **Compensatory education** for every hour, rounded up to the nearest hour, that the student was denied educational services while restrained or isolated, to be offered in the following forms:
 - **Instruction/remedial tutoring** through in-person or distance learning outside of school hours;
 - **Summer school** or other education programs outside of school hours; and/or
 - **Additional counseling sessions.**
- **Parents/guardians who are interested must respond** to the District's notice letter offering these services, described on the prior page.
- Please **contact the District's liaison**, Jodi Harmon, at (509) 354-7269 or JodiH@spokaneschools.org with any questions.

Deliverable:

The District will send home more information on these services to parents/guardians within **20 days** of the date of the Agreement.





Section 11: Training

Highlights

- The District will **provide annual training** to Board Certified Behavior Analysts (BCBAs); Program Coordinators; Multi-Tiered System of Supports (MTSS) Specialists; Administrators; and Instructional Staff in Behavioral Intervention (BI), Designed Instruction (DI), and Autism Behavior Learning Environment (ABLE) Program classrooms.
- The Intervention Coordinator and BCBAs will coordinate **ongoing observation and in-service coaching** to certified staff in BI, DI, and ABLE Program classrooms to supplement the annual trainings.

BCBAs, Program Coordinators, MTSS Specialists, Administrators, and certified staff in each BI, DI, and ABLE Program will receive training on:

- Federal and state laws prohibiting disability discrimination;
- How to develop reasonable modifications requested by families;
- District restraint and isolation policies; and
- Conducting FBAs and developing and implementing BIPs.

MTSS Specialists and Instructional Staff in each BI, DI, and ABLE Program will receive training on:

- Proper use of and alternatives to restraint;
- De-escalation techniques; and
- Positive Behavior Interventions and Supports.

Deliverable:

The District will create a training plan and submit it to the United States for review within **120 days** from the date of the Agreement.





Sections 12 & 13: Reporting and Enforcement

Highlights

- By **January 31 and July 31 of each year** the Agreement is in place, the District will provide a status report to the United States.
- The United States will **monitor the Agreement** by reviewing the status reports and may request additional documents or data from the District, visit schools, monitor trainings, or conduct any other activity necessary to monitor the District's compliance.
- If the United States determines the District has complied with the Agreement, the Agreement will end after **the 2025-2026 school year**.





Contact Information

Spokane Public Schools

If you have concerns about discrimination in any Spokane Public Schools school, please reach out to **Jodi Harmon, Chief Human Resources Officer**, using the information below.

Jodi Harmon

☎ (509) 354-7269

✉ JodiH@spokaneschools.org

U.S. Department of Justice Civil Rights Division Educational Opportunities Section

If you have concerns about **discrimination based on disability** in any Spokane Public Schools school, or any other relevant information, please contact the Department of Justice, using the information below.

☎ 1-877-292-3804

✉ Community.Spokane@usdoj.gov

Please let us know when and where any incident(s) occurred, if the information has been reported to a school or District administrator, and how the school or District responded.

You may also submit a complaint through the [**Civil Rights Division Complaint Portal**](#).

