

WITHDRAWN 03/08/2023

1 Beginning on page 1, line 3, strike all material through page 18
2 and insert the following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.600
4 RCW to read as follows:

5 (1) **Purpose.** The purposes of this section are to: Protect
6 students from physically harmful and emotionally traumatic practices
7 of chemical restraint and mechanical restraint; prohibit use of
8 isolation and physical restraint imposed solely for purposes of
9 student discipline or staff convenience; improve the safety and well-
10 being of all staff and students by increasing the professional
11 development and technical assistance provided to staff; and enhance
12 the public accountability of school districts and other providers of
13 public educational services.

14 (2) **Prohibited and permissible isolation and restraint of**
15 **students.**

16 (a) The staff of any school district or other provider of public
17 educational services may not subject any student to prohibited
18 isolation or restraint during the provision of educational services.

19 (b) The staff of any school district or other provider of public
20 educational services may use physical restraint during the provision
21 of educational services only when:

22 (i) A student's behavior poses an imminent likelihood of serious
23 harm to the student, to others, or to property;

24 (ii) Less restrictive interventions would be ineffective in
25 stopping the imminent likelihood of serious harm to the student, to
26 others, or to property;

27 (iii) The least amount of force necessary is used to protect the
28 student, another person, or property of others from imminent
29 likelihood of serious harm to the student, to others, or to property;
30 and

31 (iv) The physical restraint of the student ends immediately upon
32 the cessation of the imminent likelihood of serious harm to the
33 student, to others, or to property.

1 (c) The staff of any school district or other provider of public
2 educational services may isolate a student in an isolation room,
3 during the provision of educational services only when:

4 (i) A student's behavior poses an imminent likelihood of serious
5 harm to the student or to others;

6 (ii) Less restrictive interventions would be ineffective in
7 stopping the imminent likelihood of serious harm to the student or to
8 others;

9 (iii) The least amount of force necessary is used to protect the
10 student or another person from imminent likelihood of serious harm to
11 the student or to others; and

12 (iv) The isolation of the student ends immediately upon the
13 cessation of the imminent likelihood of serious harm to the student
14 or to others.

15 (d) An individualized education program or plan developed under
16 section 504 of the rehabilitation act of 1973 must not include the
17 use of isolation or physical restraint as a planned behavior
18 intervention unless a student's individual needs require more
19 specific advanced educational planning and the student's parent or
20 legal guardian agrees.

21 (e) Nothing in this subsection (2) prohibits a school resource
22 officer as defined in RCW 28A.320.124 from carrying out the lawful
23 duties of a commissioned law enforcement officer.

24 (3) **Notifications.** After incidents of isolation or restraint,
25 whether prohibited or permissible, and after incidents of room
26 clears, the following notifications must be made:

27 (a) Immediately following the release of the student from
28 isolation or restraint, and immediately following the return of
29 students from a room clear, the staff who used, or directed the use
30 of, isolation, restraint, or a room clear shall notify the principal,
31 other building administrator, or designee, of the provider of public
32 educational services about the incident;

33 (b) The principal, other building administrator, or designee of
34 the provider of public educational services shall:

35 (i) Notify the parent or legal guardian of a student who was
36 isolated or restrained, and the parents or legal guardians of all
37 students impacted by a room clear, about the incident, on the same
38 calendar day as the incident; and

39 (ii) Send written documentation to the parent or legal guardian,
40 within three business days of the incident, and, when possible, send

1 written documentation to the parent or legal guardian via email, on
2 the same calendar day as the incident; and

3 (c) With regard to use of prohibited isolation or restraint, the
4 principal, other building administrator, or designee, of the provider
5 of public educational services shall notify the following people or
6 entities about the incident in accordance with the applicable
7 deadlines:

8 (i) The school district superintendent or other chief
9 administrator of the provider of public educational services, within
10 one business day of the incident;

11 (ii) The office of the superintendent of public instruction,
12 within three business days of the incident; and

13 (iii) If the school district or other provider of public
14 educational services is a contractor, the contractee, within three
15 business days of the incident.

16 (4) **Incident reviews.** After incidents of isolation or restraint,
17 whether prohibited or permissible, and after incidents of room
18 clears, the following incident reviews must be completed.

19 (a) As soon as practicable, but no later than one week following
20 submission of the incident report as required under subsection (5)(a)
21 of this section, the principal, other building administrator, or
22 designee, of the provider of public educational services shall review
23 the incident with the student and the student's parent or legal
24 guardian to discuss relevant events that occurred before, during, and
25 after the incident, and to inform the student's parent or legal
26 guardian about behavioral intervention planning that must be
27 completed under subsection (6) of this section.

28 (b) As soon as practicable following the release of a student
29 from isolation or restraint, or as soon as practicable following the
30 return of students from a room clear, staff must provide all impacted
31 students with an opportunity to meet with a counselor, nurse,
32 psychologist, or social worker to reflect, process, and recover.

33 (c) As soon as practicable following the release of a student
34 from isolation or restraint or the return of students following a
35 room clear, a team of staff, including the staff who used, or
36 directed the use of, isolation, restraint, or a room clear, shall
37 review the incident to, among other things:

38 (i) Provide the staff who used, or directed the use of,
39 isolation, restraint, or a room clear with an opportunity to reflect,
40 process, and recover;

1 (ii) Determine whether proper procedures were followed; and
2 (iii) Identify additional training, coaching, or assistance that
3 may support staff who used, or directed the use of, isolation or
4 restraint to use less restrictive interventions in similar situations
5 in the future.

6 (5) **Incident reports.** The following reports related to incidents
7 of isolation and restraint, whether prohibited or permissible, and
8 incidents of room clears must be prepared and submitted.

9 (a) Within two business days of the incident, staff who used, or
10 directed the use of, isolation, restraint, or a room clear shall
11 prepare and submit a written report of the incident to the school
12 district superintendent or other chief administrator of the provider
13 of public educational services. At a minimum, the written report must
14 include:

15 (i) The date, time, duration, and location of the incident;

16 (ii) Names and job titles of staff who used, or directed the use
17 of, isolation, restraint, or a room clear and of staff who observed
18 the incident;

19 (iii) The type of restraint or isolation used, if applicable;

20 (iv) A description of relevant events that occurred before,
21 during, and after the incident, including any less restrictive
22 interventions attempted, including any de-escalation attempts;

23 (v) Whether the student who was isolated, restrained, or caused
24 the emergency that resulted in a room clear has either an
25 individualized education program or behavioral intervention plan and,
26 if so, whether the program or plan was followed;

27 (vi) Information about any known physical injuries or
28 psychological trauma experienced by the student or staff due to the
29 incident, including whether medical care was sought or received, and
30 whether staff requested or used leave benefits;

31 (vii) Recommended preventative actions for the staff or the
32 provider of public educational services to take to prevent similar,
33 future incidents; and

34 (viii) Other information as required by rule of the office of the
35 superintendent of public instruction.

36 (b) The school district superintendent or other chief
37 administrator of a provider of public educational services shall
38 prepare a summary of the incident reports submitted under (a) of this
39 subsection (5), at least annually and as required by the school
40 district board of directors or other governing body of a provider of

1 public educational services. The summary must be disaggregated for
2 purposes of trend analyses, for example by the student categories and
3 subcategories provided under RCW 28A.300.042 (1) and (3), student
4 gender, students who are dependent pursuant to chapter 13.34 RCW,
5 students who are homeless as defined in RCW 43.330.702, students who
6 are multilingual/English learners, status as a student with a parent
7 who is a member of the armed forces, by school or other applicable
8 unit, by staff job title, by contractor, and by incident type.

9 (c) The school district superintendent or other chief
10 administrator of a provider of public educational services must
11 submit incident report data and summaries prepared under (a) and (b)
12 of this subsection (5), at the time and in the manner required by the
13 office of the superintendent of public instruction.

14 (6) **Behavioral intervention plan.** After incidents of isolation or
15 restraint, whether prohibited or permissible, and after incidents of
16 room clears, the following activities related to behavioral
17 intervention planning must be completed.

18 (a) As soon as practicable following the release of a student
19 from isolation or restraint or the return of students following a
20 room clear, staff shall:

21 (i) Complete a functional behavioral assessment of the student
22 who was isolated, restrained, or caused the emergency that resulted
23 in a room clear, unless a functional behavioral assessment was
24 previously completed for the behavior of concern; and

25 (ii) Develop a behavioral intervention plan for the student who
26 was isolated, restrained, or caused the emergency that resulted in a
27 room clear or, if a behavioral intervention plan has already been
28 developed, review the behavioral intervention plan and modify it as
29 necessary to address the student's behavior of concern. When the
30 student has an individualized education program, the behavioral
31 intervention plan must be developed and modified in accordance with
32 the student's individualized education program.

33 (b) Nothing in this subsection (6) limits behavioral intervention
34 planning for students with individualized education programs under
35 Part B of the federal individuals with disabilities education act,
36 Title 20 U.S.C. Sec. 1400 et seq.

37 (7) **Policies and procedures.**

38 (a) The school district board of directors or other governing
39 body of a provider of public educational services shall adopt a
40 student isolation and restraint policy and procedures that meets the

1 requirements of this section. The procedures must include a process
2 for convening a team of staff to review every incident of isolation
3 or restraint using a systems improvement approach that focuses on
4 supporting staff to use less restrictive interventions as
5 alternatives to isolation and restraint.

6 (b) During the 2024-25 school year, and periodically thereafter,
7 the school district board of directors or other governing body of a
8 provider of public educational services shall review and revise, as
9 necessary, its student isolation and restraint policy and procedures
10 with input from staff, students, students' families, advocacy
11 organizations, and other appropriate members of the community.

12 (8) **Professional development plans.**

13 (a) (i) By January 30, 2024, the school district superintendent or
14 other chief administrator of a provider of public educational
15 services, or the school district board of directors or other
16 governing body of a provider of public educational services, shall
17 prepare and submit to the office of the superintendent of public
18 instruction a staff professional development plan and timeline as
19 required by this subsection (8).

20 (ii) By August 31, 2024, and by August 31st annually thereafter,
21 an update on the implementation of its staff professional development
22 plan must be submitted to the office of the superintendent of public
23 instruction.

24 (b) (i) The plan must include professional development on the
25 following topics:

26 (A) The policy and procedure adopted under subsection (7) of this
27 section;

28 (B) Evidence-based, trauma-informed, student-centered, proactive
29 crisis prevention and intervention practices that are less
30 restrictive than isolation and restraint, such as de-escalation
31 strategies and corresponding classroom management techniques;

32 (C) Evidence-based, trauma-informed, behavioral health supports
33 for students and staff that include restorative practices; and

34 (D) Evidence-based, systemic approaches to eliminating the use of
35 prohibited isolation and restraint, to reduce the use of physical
36 restraint, and to eliminate disparities in use of prohibited and
37 permissible isolation and restraint, such as multitiered systems of
38 support and universal design for learning.

39 (ii) The plan and any updates must describe the professional
40 development that will be provided to staff during the following

1 school year. Any professional development programs and resources
2 provided to staff must be selected from the list developed by the
3 office of the superintendent of public instruction as required by
4 section 2(4) of this act.

5 (iii) Example modes of professional development include:
6 Trainings provided by the office of the superintendent of public
7 instruction, educational service districts, the school district or
8 other provider of public educational services; pursuit of credentials
9 through formal education programs; working with a mentor or coach;
10 and involvement in professional learning communities. Nothing in this
11 subsection (8) requires all staff to be provided identical or
12 equivalent professional development. Rather, professional development
13 content, intensity, duration, and frequency must be appropriate to
14 each staff type, staff experience, and staff assignment, and must be
15 informed by the incident reviews completed under subsection (4) of
16 this section.

17 (iv) To the extent the use of the funds is not specified in RCW
18 28A.415.445 or the omnibus operating appropriations act, school
19 districts and other providers of public educational services that
20 receive funding for professional learning days under RCW 28A.150.415
21 may use this funding to meet the requirements of this subsection (8).

22 (c) Professional development must be prioritized to staff in the
23 following order:

24 (i) First to staff providing educational services to students
25 with disabilities in prekindergarten through grade five;

26 (ii) Second to staff providing educational services to students
27 with disabilities in grades six through 12; and

28 (iii) Third to all other staff.

29 (d) The plan must describe the mechanism used to determine
30 whether an entity under contract to provide educational services to
31 students is providing professional development to the contractor's
32 staff as required by this subsection (8).

33 **(9) Duties of governing bodies.**

34 (a) Beginning in the 2023-24 school year, and every four years
35 thereafter, each member of a school district board of directors or
36 other governing body of a provider of public educational services
37 shall complete the training program on student isolation and
38 restraint provided at no cost as required under section 2(6) of this
39 act.

1 (b) On an annual basis, the school district board of directors or
2 other governing body of a provider of public educational services
3 shall monitor the impact of the policy and procedures adopted under
4 subsection (7) of this section by, at a minimum: (i) Performing trend
5 analyses using the summary of incident reports prepared by the school
6 district superintendent or other chief administrator of the provider
7 of public educational services under subsection (5) of this section;
8 and (ii) reviewing the professional development plan and updates
9 prepared under subsection (8) of this section.

10 (10) **Rules.** The office of the superintendent of public
11 instruction shall adopt rules under chapter 34.05 RCW for the
12 implementation of this section.

13 (11) **Definitions.** The definitions in this subsection apply
14 throughout this section unless the context clearly requires
15 otherwise.

16 (a) "Behavioral intervention plan" means the individualized plan
17 developed for a student and implemented by staff for the purpose of
18 changing, replacing, modifying, or eliminating a student's behavior
19 or behaviors of concern.

20 (b) "Chemical restraint" means a drug or chemical administered by
21 staff to a student to control the student's behavior or restrict the
22 student's freedom of movement that is: (i) Not prescribed by a
23 licensed health professional acting within the scope of the practice
24 of that health profession for the standard treatment of a student's
25 medical or psychiatric condition; (ii) not administered by a licensed
26 health professional acting within the scope of the practice of that
27 health profession; or (iii) not administered in accordance with the
28 student's medical or psychiatric treatment plan.

29 (c) "Educational service" means instruction and other activities
30 delivered or sponsored by a school district or other provider of
31 public educational services, for example: General education services;
32 special education services; medical services; safety and security
33 services; transportation services; and any developmental, corrective,
34 or other supportive services necessary for a student eligible for
35 special education services to benefit from special education
36 services.

37 (d) "Functional behavioral assessment" means the process or
38 evaluation used by staff to understand the cause or purpose of a
39 student's specific behavior or behaviors of concern in a specific
40 environment.

1 (e) "Imminent" means the state or condition of being likely to
2 occur at any moment or near at hand, rather than distant or remote.

3 (f) "Isolation," also known as seclusion, means the involuntary
4 isolation of a student, by staff, in an isolation room from which the
5 student is not free to leave. "Isolation" does not include a time
6 away, which is a student-selected behavior management technique that
7 provides a student with an opportunity for self-calming, where the
8 student is separated from others for a limited period, in a setting
9 that is staff-monitored and from which the student may leave at any
10 time.

11 (g) "Isolation room" means a room or other enclosed area, whether
12 within or outside a classroom, used to isolate a student.

13 (h) "Likelihood of serious harm" means a substantial risk that:

14 (i) Harm will be inflicted by the student upon his or her own
15 person, as evidenced by threats or attempts to commit suicide, or
16 inflict harm on oneself;

17 (ii) Harm will be inflicted by the student upon another, as
18 evidenced by behavior that places another person or persons in
19 reasonable fear of sustaining such harm; or

20 (iii) Physical harm will be inflicted by the student upon the
21 property of others, as evidenced by behavior that has caused
22 substantial loss or damage to the property of others.

23 (i) "Mechanical restraint" means staff use of a device to
24 restrict a student's freedom of movement. "Mechanical restraint" does
25 not include: (i) A device used by staff or a student: (A) As
26 prescribed by a licensed health professional acting within the scope
27 of the practice of that health profession; (B) as documented in a
28 student's individualized education program under Part B of the
29 federal individuals with disabilities education act, Title 20 U.S.C.
30 Sec. 1400 et seq. or a student's plan developed under section 504 of
31 the rehabilitation act of 1973; or (C) for a specific therapeutic,
32 orthopedic, or medical purpose, when used for its designed purpose;
33 or (ii) the use of vehicle safety restraints when used as intended
34 during the transport of a student in a moving vehicle.

35 (j) "Physical escort" means the temporary touching or holding of
36 a student's hand, wrist, arm, shoulder, or back by staff for the
37 purpose of directing the student to a safe or otherwise appropriate
38 location.

39 (k) "Physical prompt" means a teaching technique used by staff
40 that involves voluntary physical contact with a student for the

1 purpose of enabling the student to learn or model the physical
2 movement necessary for the development of a desired competency.

3 (l) "Physical restraint" means physical contact by one or more
4 staff that immobilizes or reduces the ability of a student to move
5 the student's arms, legs, torso, or head freely. "Physical restraint"
6 does not include chemical restraint, mechanical restraint, physical
7 escort, or physical prompt.

8 (m) "Prohibited isolation or restraint" means staff use of one or
9 more of the following interventions on a student:

10 (i) Chemical restraint;

11 (ii) Mechanical restraint;

12 (iii) Physical restraint or physical escort that is life-
13 threatening, restricts breathing, or restricts blood flow to the
14 brain, including prone, supine, and wall restraints;

15 (iv) Isolation or physical restraint that is contraindicated
16 based on the student's disability or health care needs or medical or
17 psychiatric condition as documented in:

18 (A) A health care directive or medical management plan;

19 (B) A behavioral intervention plan;

20 (C) An individualized education program under Part B of the
21 federal individuals with disabilities education act, Title 20 U.S.C.
22 Sec. 1400 et seq.; or

23 (D) A plan developed under section 504 of the federal
24 rehabilitation act of 1973;

25 (v) Corporal punishment as prohibited by RCW 28A.150.300; and

26 (vi) Noxious spray and other aversive intervention as prohibited
27 in rule of the office of the superintendent of public instruction.

28 (n) "Provider of public educational services" means any entity
29 that directly operates, or provides educational services under
30 contract to, an elementary or secondary school program that receives
31 public funds from the office of the superintendent of public
32 instruction. "Provider of public educational services" includes a
33 school district, public school as defined in RCW 28A.150.010, an
34 educational service district, an institutional education provider as
35 defined in RCW 28A.190.005, a public agency or private entity
36 providing educational services under contract with any other provider
37 of public educational services, and any providers of services in
38 accordance with Part B of the federal individuals with disabilities
39 education act, Title 20 U.S.C. Sec. 1400 et seq. In addition,
40 "provider of public educational services" includes the state school

1 for the blind and the center for deaf and hard of hearing youth
2 established under RCW 72.40.010.

3 (o) "Restraint" includes chemical restraint, mechanical
4 restraint, and physical restraint.

5 (p) "Room clear" means the procedure used by staff in an
6 emergency to direct all students, except for any students causing the
7 emergency, to leave a room. Except as provided in rule of the office
8 of the superintendent of public instruction, a room clear is not
9 isolation.

10 (q) "Staff" means an employee or contractor of a school district
11 or other provider of public educational services. "Staff" does not
12 include licensed or certified health professionals of inpatient
13 health care facilities.

14 (r) "Students" means children and youth served by a school
15 district or other provider of public educational services.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
17 RCW to read as follows:

18 (1) As required by this section, the office of the superintendent
19 of public instruction shall monitor and support the compliance of
20 school districts and other providers of public educational services
21 with requirements related to prohibited and permissible uses of
22 student isolation and restraint under section 1 of this act.

23 (2) Within three months of receipt, the office of the
24 superintendent of public instruction shall review each professional
25 development plan and update submitted by a school district or other
26 provider of public educational services under section 1(8) of this
27 act.

28 (3) At least annually, the office of the superintendent of public
29 instruction shall require school districts and other providers of
30 public educational services to submit incident report data and
31 summaries prepared under section 1(5) of this act. The office of the
32 superintendent of public instruction shall publish the incident
33 report data and summaries on its website within 90 days of receipt.
34 The data must be published in a manner that allows trend analyses,
35 including analysis of intersecting marginalized identities.

36 (4)(a) Subject to the availability of amounts appropriated for
37 this specific purpose, the office of the superintendent of public
38 instruction shall provide technical assistance to school districts
39 and other providers of public educational services to meet the

1 requirements of section 1 of this act. At a minimum, this technical
2 assistance must include:

3 (i) Developing and publishing guidance on the requirements of
4 section 1 of this act and related rules;

5 (ii) Identifying and publishing a list of professional
6 development programs and resources that meet the requirements of
7 section 1(8) of this act;

8 (iii) Providing or contracting for the provision of professional
9 development that meets the requirements of section 1(8) of this act.

10 The office of the superintendent of public instruction shall
11 establish the criteria for and prioritize the provision of
12 professional development that gives priority to: (A) Staff who
13 provide educational services to students in prekindergarten through
14 grade five; and (B) school districts and other providers of public
15 educational services with high incidents of isolation, restraint, or
16 room clears. Professional development must be provided to the
17 principals and other building administrators of the school districts
18 and other providers of public educational services identified as
19 priorities under this section; and

20 (iv) Completing site visits and providing on-site coaching, when
21 appropriate.

22 (b) Prior to implementing the technical assistance described in
23 (a) of this subsection (4), and periodically thereafter, the office
24 of the superintendent of public instruction shall collaborate with
25 statewide associations representing school administrators, classified
26 staff, and certificated staff to conduct focus groups for the purpose
27 of better understanding staff challenges related to implementation of
28 section 1 of this act.

29 (5) When a school district or other provider of public
30 educational services is not making sufficient progress towards the
31 goals established in its professional development plan submitted
32 under section 1(8) of this act or when disparities in use of
33 isolation or restraint are identified in its incident report data
34 submitted under section 1(5) of this act, the office of the
35 superintendent of public instruction shall place the school district
36 or other provider of public educational services on a plan of
37 improvement. Under a plan of improvement, the office of the
38 superintendent of public instruction shall provide targeted technical
39 assistance, including annual site visits, until the school district
40 or other provider of public educational services meets its

1 professional development plan goals, or eliminates disparities in use
2 of isolation or restraint, or both.

3 (6) (a) As required by this subsection (6), the office of the
4 superintendent of public instruction shall develop and periodically
5 update a training program on student isolation and restraint for
6 school district boards of directors and the governing bodies of other
7 providers of public educational services.

8 (b) At a minimum, the training program must include the following
9 content: The legal prohibitions and limitations on the use of
10 isolation and restraint on students provided under section 1 of this
11 act; the social-emotional and physical impacts to students and staff
12 resulting from the use of isolation and restraint rather than trauma-
13 informed interventions, such as de-escalation strategies and student-
14 centered, restorative practices; how to assess compliance with
15 section 1 of this act; and options for supporting system improvement
16 by reprioritizing resources.

17 (c) The training program must be developed and updated in
18 partnership with the Washington state school directors' association.

19 (d) The training program must be made available at no cost to
20 school district boards of directors, the governing bodies of other
21 providers of public educational services, and the Washington state
22 school directors' association.

23 (7) Annually by November 1st, and in compliance with RCW
24 43.01.036, the office of the superintendent of public instruction
25 shall report to the appropriate committees of the legislature with a
26 summary of its activities to monitor and support the compliance of
27 school districts and other providers of public educational services
28 with requirements related to prohibited and permissible uses of
29 student isolation and restraint under section 1 of this act. The
30 report must describe the progress that school districts and other
31 providers of public educational services have made towards providing
32 professional development to staff as required by section 1(8) of this
33 act. The report must also highlight exemplar school districts and
34 other providers of public educational services using best practices
35 to eliminate the use of isolation and restraint.

36 (8) The office of the superintendent of public instruction shall
37 adopt rules under chapter 34.05 RCW for the implementation of this
38 section.

1 (9) As used in this section, "isolation," "provider of public
2 educational services," "restraint," and "staff" have the same meaning
3 as in section 1 of this act.

4 NEW SECTION. **Sec. 3.** (1) By December 1, 2024, and in compliance
5 with RCW 43.01.036, with respect to student isolation and restraint-
6 related professional development requirements under sections 1 and 2
7 of this act, the office of the superintendent of public instruction
8 must report to the appropriate committees of the legislature with its
9 progress on developing a professional development deployment strategy
10 and assembling of a network of professional development providers, as
11 well as its assessment of the need and demand for professional
12 development in the coming biennium.

13 (2) This section expires June 30, 2025.

14 NEW SECTION. **Sec. 4.** (1) By December 1, 2023, and in compliance
15 with RCW 43.01.036, the Washington professional educator standards
16 board and the paraeducator board must jointly submit to the
17 appropriate committees of the legislature a plan for integrating into
18 educator preparation programs and paraeducator certificate
19 requirements instruction requirements related to prohibited and
20 permissible uses of student isolation and restraint under section 1
21 of this act.

22 (2) This section expires June 30, 2024.

23 NEW SECTION. **Sec. 5.** (1) The office of the superintendent of
24 public instruction must contract with a research entity to study and
25 report on the use of room clears in Washington. The research entity
26 must analyze and report on the impacts of a room clear on the
27 students involved, including those who are removed from the
28 classroom. The report must, at a minimum, consider the impact of room
29 clears on lost instructional time, student mental health, and social-
30 emotional learning. The research entity must also identify and
31 summarize best practices on the use of room clears. The report of the
32 research entity must be submitted by the office of the superintendent
33 of public instruction to the appropriate committees of the
34 legislature by September 1, 2024, in compliance with RCW 43.01.036.

35 (2) This section expires June 30, 2027.

1 NEW SECTION. **Sec. 6.** (1) By December 1, 2024, and in compliance
2 with RCW 43.01.036, the joint legislative audit and review committee
3 shall report to the appropriate committees of the legislature with
4 the results of a study on the implementation of requirements related
5 to prohibited and permissible uses of student isolation and isolation
6 rooms under section 1 of this act. The report must also include
7 recommendations for prohibiting or further limiting the use of
8 student isolation and isolation rooms.

9 (2) At a minimum, the study must examine the following questions:

10 (a) Whether requirements under section 1 of this act, including
11 staff professional development, behavioral intervention planning, and
12 incident reviews, are leading to decreases in incidents of student
13 isolation; and

14 (b) Whether the safety of students and staff has increased or
15 decreased due to the implementation of requirements under section 1
16 of this act.

17 (3) In conducting the study, the joint legislative audit and
18 review committee shall review available student restraint, isolation,
19 and room clear incident data and report summaries submitted to the
20 office of the superintendent of public instruction, and interview the
21 staff and parents of students from a representative sample of school
22 districts and other providers of public educational services to
23 better understand staff and parent perspectives on the requirements
24 under section 1 of this act.

25 (4) Upon request, the office of the superintendent of public
26 instruction, school districts, and other providers of public
27 educational services must cooperate with the joint legislative audit
28 and review committee as reasonably required for the committee to
29 conduct the study required under this section. The joint legislative
30 audit and review committee shall be considered an authorized
31 representative of the office of the superintendent of public
32 instruction for the purposes of accessing records for this study.

33 (5) This section expires June 30, 2025.

34 **Sec. 7.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to
35 read as follows:

36 A school that is required to develop an individualized education
37 program as required by federal law must include within the plan
38 procedures for notification of, and incident review with, a parent or

1 legal guardian regarding the use of restraint or isolation as
2 provided under section 1 of this act.

3 **Sec. 8.** RCW 28A.310.515 and 2021 c 38 s 4 are each amended to
4 read as follows:

5 (1)(a) A safety and security staff training program is
6 established. The program must be jointly developed by the educational
7 service districts, but may be administered primarily by one or more
8 educational service districts. The program must meet the requirements
9 of this section.

10 (b) When developing the safety and security staff training
11 program, the educational service districts should engage with the
12 state school safety center established in RCW 28A.300.630 and the
13 school safety and student well-being advisory committee established
14 in RCW 28A.300.635.

15 (2) The educational service districts must identify or develop
16 classroom training on the following subjects:

17 (a) Constitutional and civil rights of children in schools,
18 including state law governing search and interrogation of youth in
19 schools;

20 (b) Child and adolescent development;

21 (c) Trauma-informed approaches to working with youth;

22 (d) Recognizing and responding to youth mental health issues;

23 (e) Educational rights of students with disabilities, the
24 relationship of disability to behavior, and best practices for
25 interacting with students with disabilities;

26 (f) Bias free policing and cultural competency, including best
27 practices for interacting with students from particular backgrounds,
28 including English learner, LGBTQ, immigrant, female, and nonbinary
29 students;

30 (g) Local and national disparities in the use of force and
31 arrests of children;

32 (h) Collateral consequences of arrest, referral for prosecution,
33 and court involvement;

34 (i) Resources available in the community that serve as
35 alternatives to arrest and prosecution and pathways for youth to
36 access services without court or criminal justice involvement;

37 (j) De-escalation techniques when working with youth or groups of
38 youth;

1 (k) State law regarding restraint and isolation in schools,
2 including (~~RCW 28A.600.485~~) section 1 of this act;

3 (l) The federal family educational rights and privacy act (20
4 U.S.C. Sec. 1232g) requirements including limits on access to and
5 dissemination of student records for noneducational purposes; and

6 (m) Restorative justice principles and practices.

7 (3) The educational service districts must provide, or arrange
8 for the delivery of, classroom training on the subjects listed in
9 subsection (2) of this section. At a minimum, classroom trainings on
10 each subject must be provided annually, remotely, synchronously or
11 asynchronously, and by at least one educational service district.
12 Classroom training may be provided on a fee-for-service basis and
13 should be self-supporting.

14 (4) The educational service districts must provide to safety and
15 security staff, upon request, documentation that the safety and
16 security staff training series described in RCW 28A.400.345(2) has
17 been completed. Before providing this training series documentation,
18 completion of each component of the training series must be verified
19 or, in the case of safety and security staff with significant prior
20 training and experience, waived.

21 (5) The educational service districts must develop and publish
22 guidelines for on-the-job training and check-in training that include
23 recommendations for identifying and recruiting experienced safety and
24 security staff to provide the trainings, suggested activities during
25 on-the-job trainings, and best practices for meaningful check-in
26 trainings. The guidelines for check-in training must also include
27 recommended frequency, possible topics of discussion, and options for
28 connecting virtually.

29 (6) For purposes of this section, the term "safety and security
30 staff" has the same meaning as in RCW 28A.320.124.

31 NEW SECTION. **Sec. 9.** RCW 28A.600.485 (Restraint of students—Use
32 of restraint or isolation specified in individualized education
33 programs or plans developed under section 504 of the rehabilitation
34 act of 1973—Procedures—Summary of incidents of isolation or
35 restraint—Publishing to website) and 2015 c 206 s 3 & 2013 c 202 s 2
36 are each repealed.

1 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2023, in the omnibus appropriations act, this
4 act is null and void."

5 Correct the title.

EFFECT: The amendment makes the following changes to the striking amendment:

Related to prohibited and permissible isolation and restraint of students:

(1) Refers to "permissible isolation and restraint" rather than "limited isolation and restraint."

(2) Permits physical restraint (but not isolation) when a student's behavior poses an imminent likelihood of serious harm to property.

(3) Removes the discontinuation of student isolation by staff as a permissible practice during the provision of educational services.

(4) Removes the deadline by which isolation room doors must remain unlocked to the occupants, and the associated waiver provisions.

(5) Removes the deadline by which isolation rooms must be removed or repurposed.

(6) Restores language from current law that specifies that an individualized education program (IEP) or section 504 plan must not include the use of isolation or physical restraint 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; and removes language stating that neither a student nor the student's parent or guardian may consent, or be asked to consent, to the use of isolation or restraint that is prohibited.

Related to notifications:

(7) Requires that staff notify the principal, other building administrator, or designee, of the provider of public educational services about the incident of a room clear, immediately following the return of students from a room clear (as is required for incidents of isolation and restraint).

(8) Directs the principal, other building administrator, or designee, of the provider of public educational services to notify the parent or guardian of a student who was isolated or restrained, and the parents or guardians of all students impacted by a room clear, about the incident, on the same calendar day as the incident (rather than directing notification to the parent or guardian of a student who was isolated or restrained within 24 hours of the incident).

(9) Specifies that, when possible, the principal, other building administrator, or designee, of the provider of public educational services must send written documentation of an incident to the parent or guardian via email on the same calendar day as the incident (which is in addition to the requirement to send the written documentation within three business days).

Related to incident reviews:

(10) Requires that all students impacted by a room clear be provided with the opportunity to meet with a counselor, nurse, psychologist, or social worker to reflect, process, and recover as soon as practicable following their return from a room clear (as is required for students released from isolation or restraint).

(11) Adds that a team of staff must review an incident of a room clear, as soon as practicable following the return of students from a room clear (as is required for incidents of isolation and restraint).

Related to incident reports:

(12) Adds to the written incident report information about whether the student who was isolated, restrained, or caused the emergency that resulted in a room clear has either an IEP or behavioral intervention plan and, if so, whether the program or plan was followed.

Related to behavioral intervention planning:

(13) Requires that behavioral intervention planning activities be completed for students who caused emergencies that resulted in room clear (as is required for students who are isolated and restrained).

(14) Specifies that, when a student has an IEP, the behavioral intervention plan must be developed and modified in accordance with the student's IEP.

Related to professional development plans:

(15) Adds that staff professional development plans must include classroom management techniques that correspond with already-required professional development on evidence-based, trauma-informed, student-centered, proactive crisis prevention and intervention practices that are less restrictive than isolation and restraint.

Related to definitions:

(16) Specifies that, in addition to other meanings, "likelihood of serious harm" means "a substantial risk that physical harm will be inflicted by a student upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others."

(17) Changes the definition of "physical escort" to mean "the temporary touching or holding of a student's hand, wrist, arm, shoulder, or back by staff, without the use of force, for the purpose of directing the student to a safe or otherwise appropriate location" (due to removing the phrase "without the use of force").

(18) Removes from the definition of "prohibited isolation and restraint," that the term includes isolation, beginning August 2, 2025.

Related to a report on use of isolation:

(19) Requires the Joint Legislative Audit and Review Committee (JLARC) to report, by December 1, 2024, to the Legislature with: (a) the results of a study on the implementation of requirements related to prohibited and permissible uses of student isolation and isolation rooms; and (b) recommendations for prohibiting or further limiting the use of student isolation and isolation rooms.

(20) Specifies the minimum questions that the JLARC study must examine, that JLARC must review of available data and reports, and

that JLARC must conduct interviews with staff and parents of students.

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