

2SHB 1479 - H AMD TO H AMD (H-1629.2/23) **380**

By Representative Steele

1 On page 1, line 7 of the striking amendment, after "chemical
2 restraint" strike ", mechanical restraint, and isolation" and insert
3 "and mechanical restraint"

4
5 On page 1, line 8 of the striking amendment, after "use of" insert
6 "isolation and"

7
8 On page 2, line 1 of the striking amendment, after "(c)" strike
9 "Until August 1, 2025, the" and insert "The"

10
11 On page 2, beginning on line 22 of the striking amendment, strike
12 all of subsection (3)

13
14 Renumber the remaining subsections consecutively and correct any
15 internal references accordingly.

16
17 On page 10, line 18 of the striking amendment, strike all of
18 subsection (iii)

19
20 Renumber the remaining subsections consecutively and correct any
21 internal references accordingly.

22
23 On page 11, after line 22 of the striking amendment, insert the
24 following:

25 "NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600
26 RCW to read as follows:

27
1479-S2 AMH WARG 070 1 - Official Print

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

10 (2) **Prohibited and limited isolation and restraint of students.**

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

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

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

19 (ii) Less restrictive interventions would be ineffective in
20 stopping the imminent likelihood of serious harm to the student or
21 to others;

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

25 (iv) The physical restraint of the student ends immediately upon
26 the cessation of the imminent likelihood of serious harm to the
27 student or to others.

28 (c) Neither a student nor the student's parent or legal guardian
29 may consent, or be asked to consent, to the use of isolation or
30 restraint that is prohibited under this subsection (2).

31 (d) Nothing in this subsection (2) prohibits a school resource
32 officer as defined in RCW 28A.320.124 from carrying out the lawful
33 duties of a commissioned law enforcement officer.

34 (3) **Isolation rooms.**

1 (a) School districts and other providers of public educational
2 services are prohibited from having isolation rooms or other
3 settings for the purpose of isolating a student.

4 (b) The provisions of this subsection (3) do not apply to a
5 state-operated psychiatric hospital that serves students.

6 (4) **Notifications.** After each incident of isolation or
7 restraint, whether prohibited or limited, the following
8 notifications must be made:

9 (a) Immediately following the release of the student from
10 isolation or restraint, the staff who used, or directed the use of,
11 isolation or restraint shall notify the principal, other building
12 administrator, or designee, of the provider of public educational
13 services about the incident;

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

16 (i) Notify the student's parent or legal guardian about the
17 incident, within 24 hours of the incident; and

18 (ii) Send written documentation to the parent or legal guardian,
19 within three business days of the incident; and

20 (c) With regard to use of prohibited isolation or restraint, the
21 principal, other building administrator, or designee, of the
22 provider of public educational services shall notify the following
23 people or entities about the incident in accordance with the
24 applicable deadlines:

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

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

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

33

34

1 (5) **Incident reviews.** After every incident of isolation or
2 restraint, whether prohibited or limited, the following incident
3 reviews must be completed.

4 (a) As soon as practicable, but no later than one week following
5 submission of the incident report as required under subsection (6)
6 (a) of this section, the principal, other building administrator, or
7 designee, of the provider of public educational services shall
8 review the incident with the student and the student's parent or
9 legal guardian to discuss relevant events that occurred before,
10 during, and after the incident, and to inform the student's parent
11 or legal guardian about behavioral intervention planning that must
12 be completed under subsection (7) of this section.

13 (b) As soon as practicable following the release of a student
14 from isolation or restraint, staff must provide the student with an
15 opportunity to meet with a counselor, nurse, psychologist, or social
16 worker to reflect, process, and recover.

17 (c) As soon as practicable following the release of a student
18 from isolation or restraint, a team of staff, including the staff
19 who used, or directed the use of, isolation or restraint, shall
20 review the incident to, among other things:

21 (i) Provide the staff who used, or directed the use of,
22 isolation or restraint with an opportunity to reflect, process, and
23 recover;

24 (ii) Determine whether proper procedures were followed; and

25 (iii) Identify additional training, coaching, or assistance that
26 may support staff who used, or directed the use of, isolation or
27 restraint to use less restrictive interventions in similar
28 situations in the future.

29 (6) **Incident reports.** The following reports related to incidents
30 of isolation and restraint, whether prohibited or limited, and
31 incidents of room clears must be prepared and submitted.

32 (a) Within two business days of the incident, staff who used, or
33 directed the use of, isolation, restraint, or a room clear shall
34 prepare and submit a written report of the incident to the school

1 district superintendent or other chief administrator of the provider
2 of public educational services. At a minimum, the written report
3 must include:

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

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

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

9 (iv) A description of relevant events that occurred before,
10 during, and after the incident, including any less restrictive
11 interventions attempted;

12 (v) Information about any known physical injuries or
13 psychological trauma experienced by the student or staff due to the
14 incident, including whether medical care was sought or received, and
15 whether staff requested or used leave benefits;

16 (vi) Recommended preventative actions for the staff or the
17 provider of public educational services to take to prevent similar,
18 future incidents; and

19 (vii) Other information as required by rule of the office of the
20 superintendent of public instruction.

21 (b) The school district superintendent or other chief
22 administrator of a provider of public educational services shall
23 prepare a summary of the incident reports submitted under (a) of
24 this subsection (6), at least annually and as required by the school
25 district board of directors or other governing body of a provider of
26 public educational services. The summary must be disaggregated for
27 purposes of trend analyses, for example by the student categories
28 and subcategories provided under RCW 28A.300.042 (1) and (3),
29 student gender, students who are dependent pursuant to chapter 13.34
30 RCW, students who are homeless as defined in RCW 43.330.702,
31 students who are multilingual/English learners, status as a student
32 with a parent who is a member of the armed forces, by school or
33 other applicable unit, by staff job title, by contractor, and by
34 incident type.

1 (c) The school district superintendent or other chief
2 administrator of a provider of public educational services must
3 submit incident report data and summaries prepared under (a) and (b)
4 of this subsection (6), at the time and in the manner required by
5 the office of the superintendent of public instruction.

6 (7) **Behavioral intervention plan.** After every incident of
7 isolation or restraint, whether prohibited or limited, the following
8 activities related to behavioral intervention planning must be
9 completed.

10 (a) As soon as practicable following the release of a student
11 from isolation or restraint, staff shall:

12 (i) Complete a functional behavioral assessment of the student,
13 unless a functional behavioral assessment was previously completed
14 for the behavior of concern; and

15 (ii) Develop a behavioral intervention plan for the student or,
16 if a behavioral intervention plan has already been developed, review
17 the behavioral intervention plan and modify it as necessary to
18 address the student's behavior of concern.

19 (b) Nothing in this subsection (7) limits behavioral
20 intervention planning for students with individualized education
21 programs under Part B of the federal individuals with disabilities
22 education act, Title 20 U.S.C. Sec. 1400 et seq.

23 (8) **Policies and procedures.**

24 (a) The school district board of directors or other governing
25 body of a provider of public educational services shall adopt a
26 student isolation and restraint policy and procedures that meets the
27 requirements of this section. The procedures must include a process
28 for convening a team of staff to review every incident of isolation
29 or restraint using a systems improvement approach that focuses on
30 supporting staff to use less restrictive interventions as
31 alternatives to isolation and restraint.

32 (b) During the 2024-25 school year, and periodically thereafter,
33 the school district board of directors or other governing body of a
34 provider of public educational services shall review and revise, as

1 necessary, its student isolation and restraint policy and procedures
2 with input from staff, students, students' families, advocacy
3 organizations, and other appropriate members of the community.

4 **(9) Professional development plans.**

5 (a)(i) By January 30, 2024, the school district superintendent
6 or other chief administrator of a provider of public educational
7 services, or the school district board of directors or other
8 governing body of a provider of public educational services, shall
9 prepare and submit to the office of the superintendent of public
10 instruction a staff professional development plan and timeline as
11 required by this subsection (9).

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

16 (b)(i) The plan must include professional development on the
17 following topics:

18 (A) The policy and procedure adopted under subsection (8) of
19 this section;

20 (B) Evidence-based, trauma-informed, student-centered, proactive
21 crisis prevention and intervention practices that are less
22 restrictive than isolation and restraint, such as de-escalation
23 strategies;

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

26 (D) Evidence-based, systemic approaches to eliminating the use
27 of prohibited isolation and restraint, to reduce the use of physical
28 restraint, and to eliminate disparities in use of prohibited and
29 limited isolation and restraint, such as multitiered systems of
30 support and universal design for learning.

31 (ii) The plan and any updates must describe the professional
32 development that will be provided to staff during the following
33 school year. Any professional development programs and resources
34 provided to staff must be selected from the list developed by the

1 office of the superintendent of public instruction as required by
2 section 3(4) of this act.

3 (iii) Example modes of professional development include:

4 Trainings provided by the office of the superintendent of public
5 instruction, educational service districts, the school district or
6 other provider of public educational services; pursuit of
7 credentials through formal education programs; working with a mentor
8 or coach; and involvement in professional learning communities.

9 Nothing in this subsection (9) requires all staff to be provided
10 identical or equivalent professional development. Rather,
11 professional development content, intensity, duration, and frequency
12 must be appropriate to each staff type, staff experience, and staff
13 assignment, and must be informed by the incident reviews completed
14 under subsection (5) of this section.

15 (iv) To the extent the use of the funds is not specified in RCW
16 28A.415.445 or the omnibus operating appropriations act, school
17 districts and other providers of public educational services that
18 receive funding for professional learning days under RCW 28A.150.415
19 may use this funding to meet the requirements of this subsection (9).

20 (c) Professional development must be prioritized to staff in the
21 following order:

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

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

26 (iii) Third to all other staff.

27 (d) The plan must describe the mechanism used to determine
28 whether an entity under contract to provide educational services to
29 students is providing professional development to the contractor's
30 staff as required by this subsection (9).

31 (10) **Duties of governing bodies.**

32 (a) Beginning in the 2023-24 school year, and every four years
33 thereafter, each member of a school district board of directors or
34 other governing body of a provider of public educational services

1 shall complete the training program on student isolation and
2 restraint provided at no cost as required under section 3(6) of this
3 act.

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

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

16 (12) **Definitions.** The definitions in this subsection apply
17 throughout this section unless the context clearly requires otherwise.

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

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

31 (c) "Educational service" means instruction and other activities
32 delivered or sponsored by a school district or other provider of
33 public educational services, for example: General education
34 services; special education services; medical services; safety and

1 security services; transportation services; and any developmental,
2 corrective, or other supportive services necessary for a student
3 eligible for special education services to benefit from special
4 education services.

5 (d) "Functional behavioral assessment" means the process or
6 evaluation used by staff to understand the cause or purpose of a
7 student's specific behavior or behaviors of concern in a specific
8 environment.

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

11 (f) "Isolation," also known as seclusion, means the involuntary
12 isolation of a student, by staff, in an isolation room from which
13 the student is not free to leave. "Isolation" does not include a
14 time away, which is a student-selected behavior management technique
15 that provides a student with an opportunity for self-calming, where
16 the student is separated from others for a limited period, in a
17 setting that is staff-monitored and from which the student may leave
18 at any time.

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

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

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

25 (ii) Harm will be inflicted by the student upon another, as
26 evidenced by behavior that places another person or persons in
27 reasonable fear of sustaining such harm.

28 (i) "Mechanical restraint" means staff use of a device to
29 restrict a student's freedom of movement. "Mechanical restraint"
30 does not include: (i) A device used by staff or a student: (A) As
31 prescribed by a licensed health professional acting within the scope
32 of the practice of that health profession; (B) as documented in a
33 student's individualized education program under Part B of the
34 federal individuals with disabilities education act, Title 20 U.S.C.

1 Sec. 1400 et seq. or a student's plan developed under section 504 of
2 the rehabilitation act of 1973; or (C) for a specific therapeutic,
3 orthopedic, or medical purpose, when used for its designed purpose;
4 or (ii) the use of vehicle safety restraints when used as intended
5 during the transport of a student in a moving vehicle.

6 (j) "Physical escort" means the temporary touching or holding of
7 a student's hand, wrist, arm, shoulder, or back by staff, without
8 the use of force, for the purpose of directing the student to a safe
9 or otherwise appropriate location.

10 (k) "Physical prompt" means a teaching technique used by staff
11 that involves voluntary physical contact with a student for the
12 purpose of enabling the student to learn or model the physical
13 movement necessary for the development of a desired competency.

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

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

21 (i) Chemical restraint;

22 (ii) Mechanical restraint;

23 (iii) Isolation;

24 (iv) Physical restraint or physical escort that is life-
25 threatening, restricts breathing, or restricts blood flow to the
26 brain, including prone, supine, and wall restraints;

27 (v) Isolation or physical restraint that is contraindicated
28 based on the student's disability or health care needs or medical or
29 psychiatric condition as documented in:

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

31 (B) A behavioral intervention plan;

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

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

3 (vi) Corporal punishment as prohibited by RCW 28A.150.300; and
4 (vii) Noxious spray and other aversive intervention as
5 prohibited in rule of the office of the superintendent of public
6 instruction.

7 (n) "Provider of public educational services" means any entity
8 that directly operates, or provides educational services under
9 contract to, an elementary or secondary school program that receives
10 public funds from the office of the superintendent of public
11 instruction. "Provider of public educational services" includes a
12 school district, public school as defined in RCW 28A.150.010, an
13 educational service district, an institutional education provider as
14 defined in RCW 28A.190.005, a public agency or private entity
15 providing educational services under contract with any other
16 provider of public educational services, and any providers of
17 services in accordance with Part B of the federal individuals with
18 disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. In
19 addition, "provider of public educational services" includes the
20 state school for the blind and the center for deaf and hard of
21 hearing youth established under RCW 72.40.010.

22 (o) "Restraint" includes chemical restraint, mechanical
23 restraint, and physical restraint.

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

29 (q) "Staff" means an employee or contractor of a school district
30 or other provider of public educational services. "Staff" does not
31 include licensed or certified health professionals of inpatient
32 health care facilities.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, beginning on line 19 of the striking amendment, after "(A)" strike all material through "staff" on line 21 and insert "Staff"

On page 12, line 23 of the striking amendment, after "five; and" strike "(C)" and insert "(B)"

On page 13, beginning on line 32 of the striking amendment, strike all of subsection (7)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 17, after line 36 of the striking amendment, insert the following:

NEW SECTION. **Sec. 9.** The effective date of section 2 of this act is the day after the date that the office of the superintendent of public instruction certifies that each school district and provider of public educational services has provided professional development as required under section 1 of this act to a substantial portion of staff. The office of the superintendent of public instruction shall provide written notice of the effective date of section 2 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

NEW SECTION. **Sec. 10.** The expiration date of section 1 of this act is the date that the office of the superintendent of public instruction certifies that each school district and provider of public educational services has provided professional development as required

1 under section 1 of this act to a substantial portion of staff. The
2 office of the superintendent of public instruction shall provide
3 written notice of the expiration date of section 1 of this act to
4 affected parties, the chief clerk of the house of representatives, the
5 secretary of the senate, the office of the code reviser, and others as
6 deemed appropriate by the department."

7

8 Renumber the remaining sections consecutively and correct any
9 internal references accordingly.

10

EFFECT: Makes the following changes to the striking amendment:
(1) Permits isolation of students in locked isolation rooms, subject
to limits established in the striking amendment, until the Office of
the Superintendent of Public Instruction determines that school
districts and providers of public educational services have provided
professional development to a substantial portion of staff.
(2) Removes provisions establishing time limited waivers to permit
the isolation of students in grades six through 12 in a locked
isolation room.

--- END ---