

# Multiple Agency Fiscal Note Summary

|                               |  |
|-------------------------------|--|
| <b>Bill Number:</b> 1479 S HB | <b>Title:</b> Student restraint, isolation |
|-------------------------------|--|

## Estimated Cash Receipts

| Agency Name                          | 2023-25  |             |       | 2025-27  |             |       | 2027-29  |             |       |
|--------------------------------------|--|-------------|-------|----------|-------------|-------|----------|-------------|-------|
|                                      | GF-State   | NGF-Outlook | Total | GF-State | NGF-Outlook | Total | GF-State | NGF-Outlook | Total |
| Superintendent of Public Instruction | Non-zero but indeterminate cost and/or savings. Please see discussion. |             |       |          |             |       |          |             |       |
| <b>Total \$</b>                      | 0  | 0           | 0     | 0        | 0           | 0     | 0        | 0           | 0     |

| Agency Name         | 2023-25  |       | 2025-27   |       | 2027-29   |       |
|---------------------|--|-------|-----------|-------|-----------|-------|
|                     | GF- State  | Total | GF- State | Total | GF- State | Total |
| Local Gov. Courts   |  |       |           |       |           |       |
| Loc School dist-SPI | Non-zero but indeterminate cost and/or savings. Please see discussion. |       |           |       |           |       |
| Local Gov. Other    |  |       |           |       |           |       |
| Local Gov. Total    |  |       |           |       |           |       |

## Estimated Operating Expenditures

| Agency Name                          | 2023-25  |          |             |         | 2025-27 |          |             |         | 2027-29 |          |             |         |
|--------------------------------------|--|----------|-------------|---------|---------|----------|-------------|---------|---------|----------|-------------|---------|
|                                      | FTEs   | GF-State | NGF-Outlook | Total   | FTEs    | GF-State | NGF-Outlook | Total   | FTEs    | GF-State | NGF-Outlook | Total   |
| Superintendent of Public Instruction | 1.5  | 431,000  | 431,000     | 431,000 | 1.5     | 406,000  | 406,000     | 406,000 | 1.5     | 406,000  | 406,000     | 406,000 |
| Superintendent of Public Instruction | In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note. |          |             |         |         |          |             |         |         |          |             |         |
| <b>Total \$</b>                      | 1.5  | 431,000  | 431,000     | 431,000 | 1.5     | 406,000  | 406,000     | 406,000 | 1.5     | 406,000  | 406,000     | 406,000 |

| Agency Name         | 2023-25  |          |       | 2025-27 |          |       | 2027-29 |          |       |
|---------------------|--|----------|-------|---------|----------|-------|---------|----------|-------|
|                     | FTEs   | GF-State | Total | FTEs    | GF-State | Total | FTEs    | GF-State | Total |
| Local Gov. Courts   |  |          |       |         |          |       |         |          |       |
| Loc School dist-SPI | Non-zero but indeterminate cost and/or savings. Please see discussion. |          |       |         |          |       |         |          |       |
| Local Gov. Other    |  |          |       |         |          |       |         |          |       |
| Local Gov. Total    |  |          |       |         |          |       |         |          |       |

## Estimated Capital Budget Expenditures

| Agency Name                          | 2023-25 |       |       | 2025-27 |       |       | 2027-29 |       |       |
|--------------------------------------|---------|-------|-------|---------|-------|-------|---------|-------|-------|
|                                      | FTEs    | Bonds | Total | FTEs    | Bonds | Total | FTEs    | Bonds | Total |
| Superintendent of Public Instruction | .0      | 0     | 0     | .0      | 0     | 0     | .0      | 0     | 0     |
| <b>Total \$</b>                      | 0.0     | 0     | 0     | 0.0     | 0     | 0     | 0.0     | 0     | 0     |

| Agency Name         | 2023-25  |          |       | 2025-27 |          |       | 2027-29 |          |       |
|---------------------|--|----------|-------|---------|----------|-------|---------|----------|-------|
|                     | FTEs   | GF-State | Total | FTEs    | GF-State | Total | FTEs    | GF-State | Total |
| Local Gov. Courts   |  |          |       |         |          |       |         |          |       |
| Loc School dist-SPI | Non-zero but indeterminate cost and/or savings. Please see discussion. |          |       |         |          |       |         |          |       |
| Local Gov. Other    |  |          |       |         |          |       |         |          |       |
| Local Gov. Total    |  |          |       |         |          |       |         |          |       |

## Estimated Capital Budget Breakout

|                                    |                                 |   |
|------------------------------------|---------------------------------|---|
| <b>Prepared by:</b> Val Terre, OFM | <b>Phone:</b><br>(360) 280-3973 | <b>Date Published:</b><br>Final 2/24/2023 |
|------------------------------------|---------------------------------|---|

# Individual State Agency Fiscal Note

|                               |  |   |
|-------------------------------|--|---|
| <b>Bill Number:</b> 1479 S HB | <b>Title:</b> Student restraint, isolation | <b>Agency:</b> 350-Superintendent of Public Instruction |
|-------------------------------|--|---|

## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### Estimated Operating Expenditures from:

|                          | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years          | 1.5     | 1.5     | 1.5     | 1.5     | 1.5     |
| <b>Account</b>           |         |         |         |         |         |
| General Fund-State 001-1 | 228,000 | 203,000 | 431,000 | 406,000 | 406,000 |
| <b>Total \$</b>          | 228,000 | 203,000 | 431,000 | 406,000 | 406,000 |

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

|                                     |                       |                  |
|-------------------------------------|-----------------------|------------------|
| Legislative Contact: Megan Wargacki | Phone: 360-786-7194   | Date: 02/16/2023 |
| Agency Preparation: Troy Klein      | Phone: (360) 725-6294 | Date: 02/22/2023 |
| Agency Approval: Amy Kollar         | Phone: 360 725-6420   | Date: 02/22/2023 |
| OFM Review: Val Terre               | Phone: (360) 280-3973 | Date: 02/23/2023 |

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

SHB 1479 changes from HB 1479:

The substitute bill is substantially rewritten from the original bill.

Section 1(1) of the bill adds a new section to RCW 28A.600 stating the purposes of the section are to protect students from physically harmful and emotionally traumatic practices of chemical restraint, mechanical restraint and isolation, prohibit the use of physical restraint imposed solely for purposes of student discipline or staff convenience, improve the safety and well-being of all staff and students by increasing the professional development and technical assistance provided to staff, and to enhance the public accountability of school districts and other providers of public educational services.

Section 1(2) outlines the prohibited and permitted isolation and restraint of students.

- prohibits staff of any school district or other provider of public educational services from subjecting any student to prohibited isolation or restraint (all defined terms) during the provision of educational services (a defined term).
- permits staff of any school district or other provider of public educational services to use physical restraint (a defined term) during the provision of educational services only when the student's behavior poses an imminent likelihood of serious physical injury to the student or to others and certain criteria are met.
- permits, until August 31, 2025, staff of any school district or other provider of public educational services to use isolation (a defined term) during the provision of educational services only when the student's behavior poses an imminent likelihood of serious physical injury to the student or to others and certain criteria are met.
- adds that neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to use of isolation or restraint that is prohibited.
- Nothing in Section 1(2) prohibits a school resource officer (SRO) from carrying out the lawful duties of a commissioned law enforcement officer.

Section 1(3) outlines isolation rooms.

- adds that a school district or other provider of public educational services may apply to the Office of the Superintendent of Public Instruction (OSPI) for a time limited waiver, that expires no later than August 1, 2025, to permit the isolation of students in grades 6 through 12 in a locked isolation room; and requires that the school district or other provider of public educational services provide professional development to staff and conduct other activities necessary to comply with the requirement that isolation room doors must remain unlocked to the occupant by the end of the waiver period.
- directs OSPI to provide technical assistance to school districts and other providers of public educational services approved for the waiver described above to support compliance with the requirement that isolation room doors must remain unlocked to the occupant as soon as possible, but no later than approved waiver periods.
- specifies that provisions requiring isolation room doors to remain unlocked to the occupant, prohibiting new isolation rooms from being constructed, and requiring isolation rooms to be removed or repurposed by August 1, 2025, do not apply to a state-operated psychiatric hospital that serves students.

Section 1(4) of the bill outlines required notifications after each incident of isolation or restraint, whether prohibited or permitted.

- immediately following the release of the student from isolation or restraint, the staff who used, or directed the use of, isolation or restraint must notify the principal, other building administrator, or designee of the provider of public educational services about the incident.
- the principal, other building administrator, or designee of the provider of public educational services must notify the student's parent or legal guardian about the incident within 24 hours of the incident and must send written documentation to the parent or legal guardian, within three business days of the incident.
- with regard to use of prohibited isolation or restraint, the principal, other building administrator, or designee of the provider of public educational services must notify the following people or entities about the incident: (1) the school district

superintendent or other chief administrator of the provider of public educational services, within one business day of the incident; (2) OSPI, within three business days of the incident; and (3) if the school district or other provider of public educational services is a contractor, the contractee, within three business days of the incident.

Section 1(5) of the bill outlines required incident reviews after each incident of isolation or restraint, whether prohibited or permitted.

-as soon as practicable, but no later than one week following submission of the written incident report as described below, the principal, other building administrator, or designee of the provider of public educational services must review the incident with the student and the student's parent or legal guardian to discuss relevant events that occurred before, during, and after the incident, and to inform the student's parent or legal guardian about behavioral intervention planning that must be completed as described in Section 1(7).

-as soon as practicable following the release of a student from isolation or restraint, staff must provide the student with an opportunity to meet with a counselor, nurse, psychologist, or social worker to reflect, process, and recover.

-also, as soon as practicable following the release of a student from isolation or restraint, a team of staff, including the staff who used, or directed the use of, isolation or restraint, must review the incident to, among other things: (1) provide the staff who used, or directed the use of, isolation or restraint with an opportunity to reflect, process, and recover; (2) determine whether proper procedures were followed; and (3) identify additional training, coaching, or assistance that may support staff who used, or directed the use of, isolation or restraint to use less restrictive interventions in similar situations in the future.

Section 1(6) of the bill outlines required reports related to incidents of isolation or restraint, whether prohibited or permitted, and incidents of room clears.

-within two business days of the incident, staff who used, or directed the use of, isolation, restraint, or a room clear must prepare and submit a written report of the incident to the school district superintendent or other chief administrator of the provider of public educational services. The following written report elements are added: the duration and location of the incident; names and job titles of staff who directed the use of isolation or restraint, of staff who used or directed the use of, a room clear, and of staff who observed the incident; a description of any less restrictive interventions attempted; information about any known psychological trauma experienced by the student or staff due to the incident; whether staff requested or used leave benefits; and other information as required by rule of OSPI.

-the school district superintendent or other chief administrator of a provider of public educational services must prepare a summary of the written incident reports, at least annually and as required by the school district board of directors or other governing body of a provider of public educational services. The summary must be disaggregated for purposes of trend analyses according to specified categories, for example by student race and ethnicity, student gender, school or other applicable unit, staff job title, contractor, and incident type.

-at least annually, OSPI must require school districts and other providers of public educational services to submit incident report data and summaries. OSPI continues to be required to publish the incident report data and summaries on its website within 90 days of receipt. The data must be published in a manner that allows trend analyses, including analysis of intersecting marginalized identities.

Section 1(7) of the bill outlines required behavioral intervention planning to be completed after each incident of isolation or restraint, whether prohibited or permitted.

-as soon as practicable following the release of a student from isolation or restraint, staff must: (1) complete a functional behavioral assessment, unless a functional behavioral assessment was previously completed for the behavior of concern; and (2) develop a behavioral intervention plan or, if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the student's behavior of concern.

Section 1(8) of the bill outlines policy and procedure requirements.

-each governing body of a provider of public educational services must adopt a student isolation and restraint policy and procedures. The procedures must include a process for convening a team of staff to review every incident of isolation or restraint using a systems improvement approach that focuses on supporting staff to use less restrictive interventions as alternatives to isolation and restraint.

-during the 2024-25 school year, and periodically thereafter, each school district board of directors and other governing body

of a provider of public educational services must review and revise, as necessary, its student isolation and restraint policy and procedures with input from staff, students, students' families, advocacy organizations, and other appropriate members of the community.

Section 1(9) of the bill outlines professional development plan requirement.

-by January 30, 2024, the school district superintendent or other chief administrator of a provider of public educational services, or the school district board of directors or other governing body of a provider of public educational services, must prepare and submit to OSPI a staff professional development plan and timeline. By August 31, 2024, and annually thereafter the plan must be updated.

-the plan must include professional development on the following topics: the student isolation and restraint policy and procedures; evidence-based, trauma-informed, student-centered, proactive crisis prevention and intervention practices that are less restrictive than isolation and restraint, such as de-escalation strategies; evidence-based, trauma-informed behavioral health supports for students and staff that include restorative practices; and evidence-based, systemic approaches to eliminating use of prohibited isolation and restraint, to reduce the use of physical restraint, and to eliminate disparities in use of prohibited or permitted isolation and restraint, such as multitiered systems of support and universal design for learning.

-professional development must be prioritized to staff in the following order: first to staff providing educational services to students with disabilities in prekindergarten through grade 5; second to staff providing educational services to students with disabilities in grades 6 through 12; and third to all other staff.

-the plan and any updates must describe the professional development that will be provided to staff during the following school year. Any professional development programs and resources provided to staff must be chosen from the list developed by the OSPI.

-professional development includes trainings provided by the school district or other provider of public educational services, pursuit of credentials through formal education programs, working with a mentor or coach, and involvement in professional learning communities. Staff are not required to be provided identical or equivalent professional development. Rather, professional development content, intensity, duration, and frequency must be appropriate to each staff type, staff experience, and staff assignment, and must be informed by the incident reviews.

-the plan must also describe the mechanism used to determine whether an entity under contract to provide educational services to students is training the contractor's staff.

-per Section 2 of the bill, within three months of receipt, OSPI must review each professional development plan and update submitted by a school district or other provider of public educational services.

Section 1(10) of the bill outlines the duties of governing bodies.

-beginning in the 2023-24 school year, and every four years thereafter, each member of the school district board of directors or other governing body of a provider of public educational services must complete training on student isolation and restraint that includes the following content, at a minimum: the legal prohibitions and limitations for use of isolation and restraint on students; the social-emotional and physical impacts to students and staff resulting from the use of isolation and restraint rather than trauma-informed interventions; how to assess compliance with student isolation and restraint requirements; and options for supporting system improvement by reprioritizing resources.

-on an annual basis, the school district board of directors or other governing body of a provider of public educational services must monitor the impact of the policy and procedures by, at a minimum, performing trend analyses using the summary of incident reports and reviewing the professional development plan and updates.

Section 1(11) of the bill requires that OSPI adopt rules under RCW 34.05 for the implementation of Section 1.

Section 1(12) of the bill is a definition section.

Section 2(1) of the bill requires OSPI to monitor and support the compliance of school districts and other providers of public educational services with requirements related to prohibited or permitted uses of student isolation and restraint under Section 1 of the bill.

Section 2(2) of the bill requires OSPI to review each professional development plan and update submitted by school districts and other providers of public educational services under Section 1 of the bill, within 3 months of receipt.

Section 2(3) of the bill requires that OSPI at least annually have school districts and other providers of public educational services submit incident report data and summaries prepared under Section 1 of the bill. OSPI is also required to publish incident report data and summaries on its website within 90 days of receipt. The data must be in a manner that allows for trend analyses, including analysis of intersecting marginalized identities.

Section 2(4) of the bill requires that OSPI provide technical assistance to school districts and other providers of public educational services, including, at a minimum: developing and publishing guidance on the provisions related to student isolation and restraint and related rules; developing, in partnership with the Washington State School Directors' Association, and publishing a training program that supports the duties of the school district boards of directors or other governing bodies of providers of public educational services; identifying and publishing a list of professional development programs and resources; and when appropriate, completing site visits and providing on-site coaching.

Prior to implementing the technical assistance, and periodically thereafter, OSPI must collaborate with statewide associations representing school administrators, classified staff, and certificated staff to conduct focus groups for the purpose of better understanding staff challenges related to implementation of student isolation and restraint provisions.

Section 2(5) of the bill requires that when a school district or other provider of public educational services is not making sufficient progress towards the goals established in its professional development plan or when disparities in use of isolation or restraint are identified in its incident report data, OSPI must place the school district or other provider of public educational services on a plan of improvement. Under a plan of improvement, OSPI must provide targeted technical assistance, including annual site visits, until the school district or other provider of public educational services meets its professional development plan goals, or eliminates disparities in use of isolation or restraint, or both.

Section 2(6) of the bill state that subject to appropriation, OSPI must award competitive grants to school districts, charter schools, and state-tribal education compact schools for the purposes of meeting student isolation and restraint requirements, for example to: remove door locks from isolation rooms, demolish isolation rooms, or repurpose isolation rooms; hire staff to support eliminating the use of prohibited isolation and restraint and reducing the use of physical restraint; and contract for provision of professional development to staff.

Section 2(7) of the bill requires annually by November 1, OSPI must report to the Legislature with a summary of its activities to monitor and support the compliance of school districts and other providers of public educational services with student isolation and restraint requirements. The report must describe the progress that school districts and other providers of public educational services have made towards training staff. The report must also highlight exemplary school districts and other providers of public educational services using best practices to eliminate use of isolation and restraint.

Section 2(8) of the bill requires that OSPI adopt rules under RCW 34.05 for the implementation of Section 2 of the bill.

Section 3 of the bill requires that By December 1, 2023, the Professional Educator Standards Board (PESB) and the Paraeducator Board must jointly submit to the Legislature a plan for integrating into educator preparation programs and paraeducator certificate requirements instruction on provisions related to isolation and restraint of students.

Section 4 of the bill requires that a school required to develop an individualized education program must include procedures for incident review as described in Section 1 of the bill.

Section 5 of the bill strikes reference to RCW 28A.600.485 and replaces with language Section 1 of the bill.

Section 6 of the bill repeals RCW 28A.600.485 and 2015 C 206 s 3 and 2013 c 202 s 2.

## II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

This bill would have no cash receipt impact on OSPI.

## II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

OSPI expenditure impact:

This bill would have an indeterminate expenditure impact on OSPI. Sections 1 and 2 of the bill would require that OSPI provide technical assistance and guidance to school districts and other providers of public educational services, collect data from school districts and other providers of public educational services, perform site visits and monitoring on school districts and other providers of public educational services that are not making sufficient progress toward the goals established in its professional development plan or when disparities are identified in its incident report data on the use of restraint and isolation, provide annual reports to the Legislature, support training for school districts and other providers of public educational services, and adopt necessary rules. Section 2(6) of the bill requires that subject to appropriation, OSPI must award competitive grants to school districts, charter schools, and state-tribal education compact schools for the purposes of meeting student isolation and restraint requirements.

OSPI estimates staffing would be needed that in order to implement and meet the requirement of Sections 1 and 2 of the bill and would require a 1.0 FTE Program Supervisor at a WMS 2 level, and also require a 0.5 FTE Administrative Assistant 3, range 39, step M for support. The cost for these staff is estimated at \$219,000 in FY 2024, and \$203,000 in years after.

The grants to school districts in Section 2(6) of the bill is an indeterminate cost, subject to appropriation, but OSPI has developed an estimate of what the possible cost could be:

- Assuming 1,600 certificated staff at a per person cost of \$980 per day (this is the compensation cost for the staff at \$730, and substitute fee of \$250) the amount would be \$1,568,000.
- Assuming 5,000 classified staff at a rate of about \$300 per day for compensation, the amount would be \$1,500,000.
- Assuming 5,000 administrator staff at a rate of about \$300 per day for compensation, the amount would be \$1,500,000.
- Assuming training fees of about \$100,000 for a one-day training session.
- The total cost is estimated at about \$4,668,000 for one-day of training.

PESB expenditure impact:

To implement Section 3 of the substitute bill, the Professional Educator Standards Board (PESB) and Paraeducator Board would need to develop and submit a plan to the legislature by 12/1/23. Given the plan's scope, the necessary effort would not have a material fiscal impact on PESB.

WSSDA expenditure impact:

The bill requires that OSPI in partnership with WSSDA develop a training program that supports the duties of school district board of directors or other governing bodies of providers of public educational services per Section 1 of the bill. WSSDA assumes that its role in development of the training program would be to provide model policy related input and guidance at an estimated cost of about \$9,000 in FY 2024.



## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

| Account         | Account Title | Type  | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|-----------------|---------------|-------|---------|---------|---------|---------|---------|
| 001-1           | General Fund  | State | 228,000 | 203,000 | 431,000 | 406,000 | 406,000 |
| <b>Total \$</b> |               |       | 228,000 | 203,000 | 431,000 | 406,000 | 406,000 |

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

|                                      | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years                      | 1.5     | 1.5     | 1.5     | 1.5     | 1.5     |
| A-Salaries and Wages                 | 116,000 | 116,000 | 232,000 | 232,000 | 232,000 |
| B-Employee Benefits                  | 66,000  | 67,000  | 133,000 | 134,000 | 134,000 |
| C-Professional Service Contracts     |         |         |         |         |         |
| E-Goods and Other Services           | 19,000  | 10,000  | 29,000  | 20,000  | 20,000  |
| G-Travel                             | 10,000  | 10,000  | 20,000  | 20,000  | 20,000  |
| J-Capital Outlays                    | 17,000  |         | 17,000  |         |         |
| M-Inter Agency/Fund Transfers        |         |         |         |         |         |
| N-Grants, Benefits & Client Services |         |         |         |         |         |
| P-Debt Service                       |         |         |         |         |         |
| S-Interagency Reimbursements         |         |         |         |         |         |
| T-Intra-Agency Reimbursements        |         |         |         |         |         |
| 9-                                   |         |         |         |         |         |
| <b>Total \$</b>                      | 228,000 | 203,000 | 431,000 | 406,000 | 406,000 |

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

| Job Classification                           | Salary | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--|--------|---------|---------|---------|---------|---------|
| Administrative Assistant 3, range 39, step m | 50,592 | 0.5     | 0.5     | 0.5     | 0.5     | 0.5     |
| Program Supervisor, WMS 2                    | 90,544 | 1.0     | 1.0     | 1.0     | 1.0     | 1.0     |
| <b>Total FTEs</b>                            |        | 1.5     | 1.5     | 1.5     | 1.5     | 1.5     |

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

This bill would have no capital expenditure impact on OSPI.

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Section 1(11) and Section 2(8) of the bill require that OSPI adopt necessary rules under RCW 34.05.

# Individual State Agency Fiscal Note

|                               |  |  |
|-------------------------------|--|--|
| <b>Bill Number:</b> 1479 S HB | <b>Title:</b> Student restraint, isolation | <b>Agency:</b> SDF-School District Fiscal Note - SPI |
|-------------------------------|--|--|

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

|                                     |                       |                  |
|-------------------------------------|-----------------------|------------------|
| Legislative Contact: Megan Wargacki | Phone: 360-786-7194   | Date: 02/16/2023 |
| Agency Preparation: Troy Klein      | Phone: 360 725-6294   | Date: 02/23/2023 |
| Agency Approval: Amy Kollar         | Phone: 360 725-6420   | Date: 02/23/2023 |
| OFM Review: Val Terre               | Phone: (360) 280-3973 | Date: 02/24/2023 |

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

SHB 1479 changes from HB 1479:

The substitute bill is substantially rewritten from the original bill.

Section 1(1) of the bill adds a new section to RCW 28A.600 stating the purposes of the section are to protect students from physically harmful and emotionally traumatic practices of chemical restraint, mechanical restraint and isolation, prohibit the use of physical restraint imposed solely for purposes of student discipline or staff convenience, improve the safety and well-being of all staff and students by increasing the professional development and technical assistance provided to staff, and to enhance the public accountability of school districts and other providers of public educational services.

Section 1(2) outlines the prohibited and permitted isolation and restraint of students.

- prohibits staff of any school district or other provider of public educational services from subjecting any student to prohibited isolation or restraint (all defined terms) during the provision of educational services (a defined term).
- permits staff of any school district or other provider of public educational services to use physical restraint (a defined term) during the provision of educational services only when the student's behavior poses an imminent likelihood of serious physical injury to the student or to others and certain criteria are met.
- permits, until August 31, 2025, staff of any school district or other provider of public educational services to use isolation (a defined term) during the provision of educational services only when the student's behavior poses an imminent likelihood of serious physical injury to the student or to others and certain criteria are met.
- adds that neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to use of isolation or restraint that is prohibited.
- Nothing in Section 1(2) prohibits a school resource officer (SRO) from carrying out the lawful duties of a commissioned law enforcement officer.

Section 1(3) outlines isolation rooms.

- adds that a school district or other provider of public educational services may apply to the Office of the Superintendent of Public Instruction (OSPI) for a time limited waiver, that expires no later than August 1, 2025, to permit the isolation of students in grades 6 through 12 in a locked isolation room; and requires that the school district or other provider of public educational services provide professional development to staff and conduct other activities necessary to comply with the requirement that isolation room doors must remain unlocked to the occupant by the end of the waiver period.
- directs OSPI to provide technical assistance to school districts and other providers of public educational services approved for the waiver described above to support compliance with the requirement that isolation room doors must remain unlocked to the occupant as soon as possible, but no later than approved waiver periods.
- specifies that provisions requiring isolation room doors to remain unlocked to the occupant, prohibiting new isolation rooms from being constructed, and requiring isolation rooms to be removed or repurposed by August 1, 2025, do not apply to a state-operated psychiatric hospital that serves students.

Section 1(4) of the bill outlines required notifications after each incident of isolation or restraint, whether prohibited or permitted.

- immediately following the release of the student from isolation or restraint, the staff who used, or directed the use of, isolation or restraint must notify the principal, other building administrator, or designee of the provider of public educational services about the incident.
- the principal, other building administrator, or designee of the provider of public educational services must notify the student's parent or legal guardian about the incident within 24 hours of the incident and must send written documentation to the parent or legal guardian, within three business days of the incident.
- with regard to use of prohibited isolation or restraint, the principal, other building administrator, or designee of the provider of public educational services must notify the following people or entities about the incident: (1) the school district

superintendent or other chief administrator of the provider of public educational services, within one business day of the incident; (2) OSPI, within three business days of the incident; and (3) if the school district or other provider of public educational services is a contractor, the contractee, within three business days of the incident.

Section 1(5) of the bill outlines required incident reviews after each incident of isolation or restraint, whether prohibited or permitted.

-as soon as practicable, but no later than one week following submission of the written incident report as described below, the principal, other building administrator, or designee of the provider of public educational services must review the incident with the student and the student's parent or legal guardian to discuss relevant events that occurred before, during, and after the incident, and to inform the student's parent or legal guardian about behavioral intervention planning that must be completed as described in Section 1(7).

-as soon as practicable following the release of a student from isolation or restraint, staff must provide the student with an opportunity to meet with a counselor, nurse, psychologist, or social worker to reflect, process, and recover.

-also, as soon as practicable following the release of a student from isolation or restraint, a team of staff, including the staff who used, or directed the use of, isolation or restraint, must review the incident to, among other things: (1) provide the staff who used, or directed the use of, isolation or restraint with an opportunity to reflect, process, and recover; (2) determine whether proper procedures were followed; and (3) identify additional training, coaching, or assistance that may support staff who used, or directed the use of, isolation or restraint to use less restrictive interventions in similar situations in the future.

Section 1(6) of the bill outlines required reports related to incidents of isolation or restraint, whether prohibited or permitted, and incidents of room clears.

-within two business days of the incident, staff who used, or directed the use of, isolation, restraint, or a room clear must prepare and submit a written report of the incident to the school district superintendent or other chief administrator of the provider of public educational services. The following written report elements are added: the duration and location of the incident; names and job titles of staff who directed the use of isolation or restraint, of staff who used or directed the use of, a room clear, and of staff who observed the incident; a description of any less restrictive interventions attempted; information about any known psychological trauma experienced by the student or staff due to the incident; whether staff requested or used leave benefits; and other information as required by rule of OSPI.

-the school district superintendent or other chief administrator of a provider of public educational services must prepare a summary of the written incident reports, at least annually and as required by the school district board of directors or other governing body of a provider of public educational services. The summary must be disaggregated for purposes of trend analyses according to specified categories, for example by student race and ethnicity, student gender, school or other applicable unit, staff job title, contractor, and incident type.

-at least annually, OSPI must require school districts and other providers of public educational services to submit incident report data and summaries. OSPI continues to be required to publish the incident report data and summaries on its website within 90 days of receipt. The data must be published in a manner that allows trend analyses, including analysis of intersecting marginalized identities.

Section 1(7) of the bill outlines required behavioral intervention planning to be completed after each incident of isolation or restraint, whether prohibited or permitted.

-as soon as practicable following the release of a student from isolation or restraint, staff must: (1) complete a functional behavioral assessment, unless a functional behavioral assessment was previously completed for the behavior of concern; and (2) develop a behavioral intervention plan or, if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the student's behavior of concern.

Section 1(8) of the bill outlines policy and procedure requirements.

-each governing body of a provider of public educational services must adopt a student isolation and restraint policy and procedures. The procedures must include a process for convening a team of staff to review every incident of isolation or restraint using a systems improvement approach that focuses on supporting staff to use less restrictive interventions as alternatives to isolation and restraint.

-during the 2024-25 school year, and periodically thereafter, each school district board of directors and other governing body

of a provider of public educational services must review and revise, as necessary, its student isolation and restraint policy and procedures with input from staff, students, students' families, advocacy organizations, and other appropriate members of the community.

Section 1(9) of the bill outlines professional development plan requirement.

-by January 30, 2024, the school district superintendent or other chief administrator of a provider of public educational services, or the school district board of directors or other governing body of a provider of public educational services, must prepare and submit to OSPI a staff professional development plan and timeline. By August 31, 2024, and annually thereafter the plan must be updated.

-the plan must include professional development on the following topics: the student isolation and restraint policy and procedures; evidence-based, trauma-informed, student-centered, proactive crisis prevention and intervention practices that are less restrictive than isolation and restraint, such as de-escalation strategies; evidence-based, trauma-informed behavioral health supports for students and staff that include restorative practices; and evidence-based, systemic approaches to eliminating use of prohibited isolation and restraint, to reduce the use of physical restraint, and to eliminate disparities in use of prohibited or permitted isolation and restraint, such as multitiered systems of support and universal design for learning.

-professional development must be prioritized to staff in the following order: first to staff providing educational services to students with disabilities in prekindergarten through grade 5; second to staff providing educational services to students with disabilities in grades 6 through 12; and third to all other staff.

-the plan and any updates must describe the professional development that will be provided to staff during the following school year. Any professional development programs and resources provided to staff must be chosen from the list developed by the OSPI.

-professional development includes trainings provided by the school district or other provider of public educational services, pursuit of credentials through formal education programs, working with a mentor or coach, and involvement in professional learning communities. Staff are not required to be provided identical or equivalent professional development. Rather, professional development content, intensity, duration, and frequency must be appropriate to each staff type, staff experience, and staff assignment, and must be informed by the incident reviews.

-the plan must also describe the mechanism used to determine whether an entity under contract to provide educational services to students is training the contractor's staff.

-per Section 2 of the bill, within three months of receipt, OSPI must review each professional development plan and update submitted by a school district or other provider of public educational services.

Section 1(10) of the bill outlines the duties of governing bodies.

-beginning in the 2023-24 school year, and every four years thereafter, each member of the school district board of directors or other governing body of a provider of public educational services must complete training on student isolation and restraint that includes the following content, at a minimum: the legal prohibitions and limitations for use of isolation and restraint on students; the social-emotional and physical impacts to students and staff resulting from the use of isolation and restraint rather than trauma-informed interventions; how to assess compliance with student isolation and restraint requirements; and options for supporting system improvement by reprioritizing resources.

-on an annual basis, the school district board of directors or other governing body of a provider of public educational services must monitor the impact of the policy and procedures by, at a minimum, performing trend analyses using the summary of incident reports and reviewing the professional development plan and updates.

Section 1(11) of the bill requires that OSPI adopt rules under RCW 34.05 for the implementation of Section 1.

Section 1(12) of the bill is a definition section.

Section 2(1) of the bill requires OSPI to monitor and support the compliance of school districts and other providers of public educational services with requirements related to prohibited or permitted uses of student isolation and restraint under Section 1 of the bill.

Section 2(2) of the bill requires OSPI to review each professional development plan and update submitted by school districts and other providers of public educational services under Section 1 of the bill, within 3 months of receipt.

Section 2(3) of the bill requires that OSPI at least annually have school districts and other providers of public educational services submit incident report data and summaries prepared under Section 1 of the bill. OSPI is also required to publish incident report data and summaries on its website within 90 days of receipt. The data must be in a manner that allows for trend analyses, including analysis of intersecting marginalized identities.

Section 2(4) of the bill requires that OSPI provide technical assistance to school districts and other providers of public educational services, including, at a minimum: developing and publishing guidance on the provisions related to student isolation and restraint and related rules; developing, in partnership with the Washington State School Directors' Association (WSSDA), and publishing a training program that supports the duties of the school district boards of directors or other governing bodies of providers of public educational services; identifying and publishing a list of professional development programs and resources; and when appropriate, completing site visits and providing on-site coaching.

Prior to implementing the technical assistance, and periodically thereafter, OSPI must collaborate with statewide associations representing school administrators, classified staff, and certificated staff to conduct focus groups for the purpose of better understanding staff challenges related to implementation of student isolation and restraint provisions.

Section 2(5) of the bill requires that when a school district or other provider of public educational services is not making sufficient progress towards the goals established in its professional development plan or when disparities in use of isolation or restraint are identified in its incident report data, OSPI must place the school district or other provider of public educational services on a plan of improvement. Under a plan of improvement, OSPI must provide targeted technical assistance, including annual site visits, until the school district or other provider of public educational services meets its professional development plan goals, or eliminates disparities in use of isolation or restraint, or both.

Section 2(6) of the bill state that subject to appropriation, OSPI must award competitive grants to school districts, charter schools, and state-tribal education compact schools for the purposes of meeting student isolation and restraint requirements, for example to: remove door locks from isolation rooms, demolish isolation rooms, or repurpose isolation rooms; hire staff to support eliminating the use of prohibited isolation and restraint and reducing the use of physical restraint; and contract for provision of professional development to staff.

Section 2(7) of the bill requires annually by November 1, OSPI must report to the Legislature with a summary of its activities to monitor and support the compliance of school districts and other providers of public educational services with student isolation and restraint requirements. The report must describe the progress that school districts and other providers of public educational services have made towards training staff. The report must also highlight exemplary school districts and other providers of public educational services using best practices to eliminate use of isolation and restraint.

Section 2(8) of the bill requires that OSPI adopt rules under RCW 34.05 for the implementation of Section 2 of the bill.

Section 3 of the bill requires that By December 1, 2023, the Professional Educator Standards Board (PESB) and the Paraeducator Board must jointly submit to the Legislature a plan for integrating into educator preparation programs and paraeducator certificate requirements instruction on provisions related to isolation and restraint of students.

Section 4 of the bill requires that a school required to develop an individualized education program must include procedures for incident review as described in Section 1 of the bill.

Section 5 of the bill strikes reference to RCW 28A.600.485 and replaces with language Section 1 of the bill.

Section 6 of the bill repeals RCW 28A.600.485 and 2015 C 206 s 3 and 2013 c 202 s 2.

**II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

This bill would have an indeterminate cash receipt impact on school districts.

The grants that OSPI is required to send to school districts in Section 2(6) of the bill is indeterminate, subject to appropriation, but OSPI has developed an estimate of what amount they could possible be:

- Assuming 1,600 certificated staff at a per person cost of \$980 per day (this is the compensation cost for the staff at \$730, and substitute fee of \$250) the amount would be \$1,568,000.
- Assuming 5,000 classified staff at a rate of about \$300 per day for compensation, the amount would be \$1,500,000.
- Assuming 5,000 administrator staff at a rate of about \$300 per day for compensation, the amount would be \$1,500,000.
- Assuming training fees of about \$100,000 for a one-day training session.
- The total cash receipts to school districts is estimated at about \$4,668,000 for one-day of training.

**II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

School district expenditure impact:

Sections 1 and 2 of this bill would have an indeterminate expenditure impact on school districts. OSPI has reached out to school districts and, although the responses have not quantified the costs in terms of a dollar amount, they have uniformly reported that the cost impact would be significant in terms of expected professional development and training, staffing, updating policies, procedures, reporting, documents, and webpages, and dismantling or repurposing existing isolation rooms. Even for those districts that have existing policies, procedures, and documents in place, the expected cost of implementing this bill would still be significant.

The grants to school districts in Section 2(6) of the bill is an indeterminate cost, subject to appropriation, but OSPI has developed an estimate of what the possible cost could be:

- Assuming 1,600 certificated staff at a per person cost of \$980 per day (this is the compensation cost for the staff at \$730, and substitute fee of \$250) the amount would be \$1,568,000.
- Assuming 5,000 classified staff at a rate of about \$300 per day for compensation, the amount would be \$1,500,000.
- Assuming 5,000 administrator staff at a rate of about \$300 per day for compensation, the amount would be \$1,500,000.
- Assuming training fees of about \$100,000 for a one-day training session.
- The total cost is estimated at about \$4,668,000 for one-day of training.

OSPI assumes that school districts would receive the grants as a cash receipt and would then expend all of the received funding.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. B - Expenditures by Object Or Purpose**

Non-zero but indeterminate cost and/or savings. Please see discussion.



**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

This bill would have no capital expenditure impact on school districts.

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*