1479-S2 AMH CALL WARG 072

**2SHB 1479** - H AMD TO H AMD (H-1629.2/23) **438**

By Representatives Callan, Rude

**ADOPTED 03/08/2023**

 On page 1, beginning on line 14 of the striking amendment, strike all of subsections (2) and (3) and insert the following:

"(2) **Prohibited isolation and restraint of students.**

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

(b)(i) The isolation of any student in prekindergarten through grade 2 by the staff of any school district or other provider of public educational services during the provision of educational services is prohibited.

(ii) Beginning January 1, 2026, the isolation of any student in grade 3 through 12 by the staff of any school district or other provider of public educational services during the provision of educational services is prohibited.

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

(3) **Limited physical restraint of students.** The staff of any school district or other provider of public educational services may use physical restraint during the provision of educational services only when:

(a) The student's behavior poses an imminent likelihood of serious harm to the student or to others;

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

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

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

(4) **Limited isolation of students in isolation rooms.**

(a) Through December 31, 2025, the staff of any school district or other provider of public educational services may use isolation on a student who is in grade three through twelve during the provision of educational services only when:

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

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

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

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

(b)(i) Except as provided in (b)(ii) of this subsection (4), beginning August 1, 2023, school districts and other providers of public educational services shall require that doors to isolation rooms remain unlocked to the occupants.

(ii) Using the process established as required by section 2(7) of this act, school districts and other providers of public educational services may, through December 31, 2025, claim a waiver of the requirements of (b)(i) of this subsection (4) to permit the isolation of students in grades three through 12 in a locked isolation room. School districts and other providers of public educational services claiming a waiver must provide professional development to staff and conduct other activities necessary to comply with the requirements of (b)(i) of this subsection (4) no later than January 1, 2026.

(c)(i) School districts and other providers of public educational services are prohibited from constructing isolation rooms or other settings for the purpose of isolating a student.

(ii) By January 1, 2026, school districts and other providers of public educational services shall remove or repurpose all isolation rooms.

(5) **Exemptions.**

(a) The provisions of subsections (4)(b) and (c) of this section do not apply to a state-operated psychiatric hospital that serves students.

(b) Nothing in subsections (2) through (4) of this section prohibits a school resource officer as defined in RCW 28A.320.124 from carrying out the lawful duties of a commissioned law enforcement officer."

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

 On page 10, beginning on line 2 of the striking amendment, after "staff" strike all material through "force," on line 3

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

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

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

 "(7)(a) By August 1, 2023, and as required by this subsection (7), the office of the superintendent of public instruction shall establish and implement a process for school districts and other providers of public educational services to claim a waiver of the requirements of section 1(4)(b)(i) of this act to permit the isolation of students in grades three through 12 in a locked isolation room. The office of the superintendent of public instruction must grant a waiver to any school district or other provider of public educational services that claims a waiver by August 1, 2023.

(b) The office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services that claims a waiver. Technical assistance must include assisting with the preparation of a professional development plan that supports compliance with the requirements of section 1(4)(b)(i) of this act as soon as possible, but no later than January 1, 2026."

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|  |  EFFECT: Makes the following changes to the striking amendment:(1) Changes the phase-out of permitted use of student isolation by, rather than prohibiting isolation for all students beginning August 1, 2025, the isolation of any student in prekindergarten through grade 2 is prohibited as of the effective date of the act and the isolation of any student in grade 3 through 12 is prohibited beginning January 1, 2026.(2) Maintains the requirement that isolation room doors remain unlocked to the occupants beginning August 1, 2023, but modifies provisions establishing a waiver of this requirement as follows:* 1. Provides that a waiver may be claimed by a school district or other provider of public educational services, and must be granted by the Office of the Superintendent of Public Instruction (OSPI), rather that requiring application to the OSPI for possible approval of a waiver;
	2. Allows waivers to be claimed to permit the isolation of students in grades three through 12, rather than students in grades 6 through 12, in a locked isolation room;
	3. Maintains the requirement that the OSPI provide technical assistance to school districts and other providers of public educational services that claim a waiver; and
	4. Maintains the requirement that school districts and other providers of public educational services claiming a waiver provide professional development to staff and conduct other activities necessary to comply, no later than January 1, 2026, with the requirement to keep isolation room doors unlocked.

(3) Extends the deadline for removing or repurposing all isolation rooms from August 1, 2025, to January 1, 2026.(4) 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, for the purpose of directing the student to a safe or otherwise appropriate location” (due to removing the phrase “without the use of force"). |

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