**1479-S2 AMH RUDE H1644.2 - NOT FOR FLOOR USE**

**2SHB 1479** - H AMD TO H AMD (H-1629.2/23) **385**

By Representative Rude

**WITHDRAWN 03/08/2023**

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

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

(1) **Purpose.** The purposes of this section are to: Protect students from physically harmful and emotionally traumatic practices of chemical restraint and mechanical restraint; prohibit use of isolation and 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 enhance the public accountability of school districts and other providers of public educational services.

(2) **Prohibited and permissible 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) 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:

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

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

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

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

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

(i) A 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 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.

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

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

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

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

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

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

(ii) Send written documentation to the parent or legal guardian, within three business days of the incident, and, when possible, send written documentation to the parent or legal guardian via email, on the same calendar day as the incident; and

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

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

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

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

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

(a) As soon as practicable, but no later than one week following submission of the incident report as required under subsection (5)(a) of this section, the principal, other building administrator, or designee, of the provider of public educational services shall 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 under subsection (6) of this section.

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

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

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

(ii) Determine whether proper procedures were followed; and

(iii) 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.

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

(a) Within two business days of the incident, staff who used, or directed the use of, isolation, restraint, or a room clear shall 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. At a minimum, the written report must include:

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

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

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

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

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

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

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

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

(b) The school district superintendent or other chief administrator of a provider of public educational services shall prepare a summary of the incident reports submitted under (a) of this subsection (5), 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, for example by the student categories and subcategories provided under RCW 28A.300.042 (1) and (3), student gender, students who are dependent pursuant to chapter 13.34 RCW, students who are homeless as defined in RCW 43.330.702, students who are multilingual/English learners, status as a student with a parent who is a member of the armed forces, by school or other applicable unit, by staff job title, by contractor, and by incident type.

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

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

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

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

(ii) Develop a behavioral intervention plan for the student who was isolated, restrained, or caused the emergency that resulted in a room clear 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. When the student has an individualized education program, the behavioral intervention plan must be developed and modified in accordance with the student's individualized education program.

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

(7) **Policies and procedures.**

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

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

(8) **Professional development plans.**

(a)(i) 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, shall prepare and submit to the office of the superintendent of public instruction a staff professional development plan and timeline as required by this subsection (8).

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

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

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

(B) 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 and corresponding classroom management techniques;

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

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

(ii) 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 selected from the list developed by the office of the superintendent of public instruction as required by section 2(4) of this act.

(iii) Example modes of professional development include: Trainings provided by the office of the superintendent of public instruction, educational service districts, 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. Nothing in this subsection (8) requires all staff 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 completed under subsection (4) of this section.

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

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

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

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

(iii) Third to all other staff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) "Physical escort" means 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.

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

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

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

(i) Chemical restraint;

(ii) Mechanical restraint;

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

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

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

(B) A behavioral intervention plan;

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

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

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

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

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

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

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

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

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

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

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

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

(3) At least annually, the office of the superintendent of public instruction shall require school districts and other providers of public educational services to submit incident report data and summaries prepared under section 1(5) of this act. The office of the superintendent of public instruction shall 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.

(4)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services to meet the requirements of section 1 of this act. At a minimum, this technical assistance must include:

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

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

(iii) Providing or contracting for the provision of professional development that meets the requirements of section 1(8) of this act. The office of the superintendent of public instruction shall establish the criteria for and prioritize the provision of professional development that gives priority to: (A) Staff who provide educational services to students in prekindergarten through grade five; and (B) school districts and other providers of public educational services with high incidents of isolation, restraint, or room clears. Professional development must be provided to the principals and other building administrators of the school districts and other providers of public educational services identified as priorities under this section; and

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

(b) Prior to implementing the technical assistance described in (a) of this subsection (4), and periodically thereafter, the office of the superintendent of public instruction shall 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 section 1 of this act.

(5) 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 submitted under section 1(8) of this act or when disparities in use of isolation or restraint are identified in its incident report data submitted under section 1(5) of this act, the office of the superintendent of public instruction shall place the school district or other provider of public educational services on a plan of improvement. Under a plan of improvement, the office of the superintendent of public instruction shall 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.

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

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

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

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

(7) Annually by November 1st, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of 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 requirements related to prohibited and permissible uses of student isolation and restraint under section 1 of this act. The report must describe the progress that school districts and other providers of public educational services have made towards providing professional development to staff as required by section 1(8) of this act. The report must also highlight exemplar school districts and other providers of public educational services using best practices to eliminate the use of isolation and restraint.

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

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

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

(2) This section expires June 30, 2025.

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

(2) This section expires June 30, 2024.

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

(2) This section expires June 30, 2027.

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

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

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

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

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

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

(5) This section expires June 30, 2025.

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

A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of, and incident review with, a parent or legal guardian regarding the use of restraint or isolation as provided under section 1 of this act.

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

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

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

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

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

(b) Child and adolescent development;

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

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

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

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

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

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

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

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

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

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

(m) Restorative justice principles and practices.

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

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

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

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

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

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

Correct the title.

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

Related to prohibited and permissible isolation and restraint of students:

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

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

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

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

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

(6) Restores language from current law that specifies that an individualized education program (IEP) or section 504 plan must not include the use of isolation or physical restraint as a planned behavior intervention unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees; and removes language stating that neither a student nor the student's parent or guardian may consent, or be asked to consent, to the use of isolation or restraint that is prohibited.

Related to notifications:

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

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

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

Related to incident reviews:

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

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

Related to incident reports:

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

Related to behavioral intervention planning:

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

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

Related to professional development plans:

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

Related to definitions:

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

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

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

Related to a report on use of isolation:

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

(20) Specifies the minimum questions that the JLARC study must examine, that JLARC must review of available data and reports, and that JLARC must conduct interviews with staff and parents of students.