2SHB 1479 - H AMD TO H AMD (H-1629.2/23) **438**
    By Representatives Callan, Rude

ADOPTED 03/08/2023

1   On page 1, beginning on line 14 of the striking amendment, strike
2 all of subsections (2) and (3) and insert the following:
3   "(2) **Prohibited isolation and restraint of students.**
4   (a) The staff of any school district or other provider of public
5 educational services may not subject any student to prohibited
6 isolation or restraint during the provision of educational services.
7   (b)(i) The isolation of any student in prekindergarten through
8 grade 2 by the staff of any school district or other provider of
9 public educational services during the provision of educational
10 services is prohibited.
11   (ii) Beginning January 1, 2026, the isolation of any student in
12 grade 3 through 12 by the staff of any school district or other
13 provider of public educational services during the provision of
14 educational services is prohibited.
15   (c) Neither a student nor the student's parent or legal guardian
16 may consent, or be asked to consent, to the use of isolation or
17 restraint that is prohibited under this subsection (2).
18   (3) **Limited physical restraint of students.** The staff of any
19 school district or other provider of public educational services may
20 use physical restraint during the provision of educational services
21 only when:
22   (a) The student's behavior poses an imminent likelihood of
23 serious harm to the student or to others;
24   (b) Less restrictive interventions would be ineffective in
25 stopping the imminent likelihood of serious harm to the student or
26 to others;
27

1   (c) The least amount of force necessary is used to protect the
2 student or another person from an imminent likelihood of serious
3 harm to the student or to others; and
4   (d) The physical restraint of the student ends immediately upon
5 the cessation of the imminent likelihood of serious harm to the
6 student or to others.
7   (4) **Limited isolation of students in isolation rooms.**
8   (a) Through December 31, 2025, the staff of any school district
9 or other provider of public educational services may use isolation
10 on a student who is in grade three through twelve during the
11 provision of educational services only when:
12   (i) The student's behavior poses an imminent likelihood of
13 serious harm to the student or to others;
14   (ii) Less restrictive interventions would be ineffective in
15 stopping the imminent likelihood of serious harm to the student or
16 to others;
17   (iii) The least amount of force necessary is used to protect the
18 student or another person from an imminent likelihood of serious
19 harm to the student or to others; and
20   (iv) The isolation of the student ends immediately upon the
21 cessation of the imminent likelihood of serious harm to the student
22 or to others.
23   (b)(i) Except as provided in (b)(ii) of this subsection (4),
24 beginning August 1, 2023, school districts and other providers of
25 public educational services shall require that doors to isolation
26 rooms remain unlocked to the occupants.
27   (ii) Using the process established as required by section 2(7)
28 of this act, school districts and other providers of public
29 educational services may, through December 31, 2025, claim a waiver
30 of the requirements of (b)(i) of this subsection (4) to permit the
31 isolation of students in grades three through 12 in a locked
32 isolation room. School districts and other providers of public
33 educational services claiming a waiver must provide professional
34 development to staff and conduct other activities necessary to

1 comply with the requirements of (b)(i) of this subsection (4) no
2 later than January 1, 2026.
3   (c)(i) School districts and other providers of public
4 educational services are prohibited from constructing isolation
5 rooms or other settings for the purpose of isolating a student.
6   (ii) By January 1, 2026, school districts and other providers of
7 public educational services shall remove or repurpose all isolation
8 rooms.
9   (5) **Exemptions.**
10   (a) The provisions of subsections (4)(b) and (c) of this section
11 do not apply to a state-operated psychiatric hospital that serves
12 students.
13   (b) Nothing in subsections (2) through (4) of this section
14 prohibits a school resource officer as defined in RCW 28A.320.124
15 from carrying out the lawful duties of a commissioned law
16 enforcement officer."
17
18   Renumber the remaining subsections consecutively and correct any
19 internal references accordingly.
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21   On page 10, beginning on line 2 of the striking amendment, after
22 "staff" strike all material through "force," on line 3
23
24   On page 10, line 18 of the striking amendment, strike all of
25 subsection (iii)
26
27   Renumber the remaining subsections consecutively and correct any
28 internal references accordingly.
29
30   On page 13, beginning on line 32 of the striking amendment, strike
31 all of subsection (7) and insert the following:
32   "(7)(a) By August 1, 2023, and as required by this subsection
33 (7), the office of the superintendent of public instruction shall
34 establish and implement a process for school districts and other

1 providers of public educational services to claim a waiver of the

2 requirements of section 1(4)(b)(i) of this act to permit the

3 isolation of students in grades three through 12 in a locked

4 isolation room. The office of the superintendent of public

5 instruction must grant a waiver to any school district or other

6 provider of public educational services that claims a waiver by

7 August 1, 2023.

8   (b) The office of the superintendent of public instruction shall

9 provide technical assistance to school districts and other providers

10 of public educational services that claims a waiver. Technical

11 assistance must include assisting with the preparation of a

12 professional development plan that supports compliance with the

13 requirements of section 1(4)(b)(i) of this act as soon as possible,

14 but no later than January 1, 2026."

15

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:
        a.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;
        b.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;
        c.Maintains the requirement that the OSPI provide technical
            assistance to school districts and other providers of
            public educational services that claim a waiver; and
        d.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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