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**ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1479**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Callan, Santos, Goodman, Ramel, Ormsby, and Pollet; by request of Superintendent of Public Instruction)

AN ACT Relating to restraint or isolation of students in public schools and educational programs; amending RCW 28A.600.485, 28A.600.486, 28A.155.210, 28A.320.127, 28A.413.050, 28A.415.445, and 28A.155.250; adding new sections to chapter 28A.600 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.310 RCW; creating new sections; repealing RCW 28A.415.330; and providing expiration dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**PURPOSE OF ACT**

NEW SECTION. **Sec.**  The purposes of this act 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 training and technical assistance provided to staff; and enhance the public accountability of school districts and other providers of public educational services.

**DEFINITIONS**

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

The definitions in this section apply throughout RCW 28A.600.485, 28A.600.486, 28A.155.210, and sections 4, 7 through 9, and 13 through 18 of this act unless the context clearly requires otherwise.

(1) "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.

(2) "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 not: (a) 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; (b) administered by a licensed health professional acting within the scope of the practice of that health profession or administered by designated staff delegated and trained by the licensed health professional under RCW 28A.210.260; or (c) administered in accordance with the student's medical or psychiatric treatment plan.

(3) "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.

(4) "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.

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

(6) "Intensive crisis prevention and response training" means a training program approved by the office of the superintendent of public instruction under section 13(4) of this act.

(7) "Isolation," also known as seclusion, means the involuntary separation of a student from all other people, by staff, in a room or other enclosed area from which the student is not free to leave. "Isolation" does not include: (a) 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; (b) staff temporarily confining a student alone in a classroom, office, or common area because the student's behavior poses an imminent likelihood of serious harm to the staff who had been in the room with the student, provided the student's confinement ends as soon as it is practicable for additional staff to intervene; or (c) a room clear, except as provided in rule by the office of the superintendent of public instruction.

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

(a) 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; or

(b) 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.

(9) "Mechanical restraint" means staff use of a device to restrict a student's freedom of movement. "Mechanical restraint" does not include: (a) A device used by staff or a student: (i) As prescribed by a licensed health professional acting within the scope of the practice of that health profession; (ii) 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 (iii) for a specific therapeutic, orthopedic, or medical purpose, when used for its designed purpose; or (b) the use of vehicle safety restraints when used as intended during the transport of a student in a vehicle.

(10) "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.

(11) "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.

(12) "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.

(13) "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, an authorized entity as defined in RCW 28A.300.690, 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.

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

(15) "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.

(16) "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.

(17) "Student behavior management" means the knowledge and skills to:

(a) Implement proactive classroom management strategies that create a positive and safe learning environment;

(b) Recognize the emotional or behavioral distress of students and respond using evidence-based, trauma-informed behavioral health supports that are age and developmentally appropriate, are restorative, and consider any disabilities of the students;

(c) Understand and implement behavior management practices and positive behavioral supports within a multitiered system of supports; and

(d) Use evidence-based, trauma-informed, and student-centered approaches for de-escalating aggressive student behaviors that include problem solving and conflict resolution and are less restrictive than isolation or restraint.

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

**USE OF STUDENT ISOLATION AND RESTRAINT**

**Sec.**  RCW 28A.600.485 and 2015 c 206 s 3 are each amended to read as follows:

(1) ((~~The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Isolation" means restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.~~

~~(b) "Restraint" means physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.~~

~~(c) "Restraint device" means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to safely transport students. This section shall not be construed as encouraging the use of these devices.~~

~~(2) The provisions of this section apply to all students, including those who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. The provisions of this section apply only to incidents of restraint or isolation that occur while a student is participating in school-sponsored instruction or activities.~~

~~(3)(a) An individualized education program or plan developed under section 504 of the rehabilitation act of 1973 must not include the use of restraint or isolation 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. All other plans may refer to the district policy developed under subsection (3)(b) of this section. Nothing in this section is intended to limit the provision of a free appropriate public education under Part B of the federal individuals with disabilities education improvement act or section 504 of the federal rehabilitation act of 1973.~~

~~(b) Restraint or isolation of any student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, as defined in RCW 70.96B.010. Restraint or isolation must be closely monitored to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated. Each school district shall adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff under such circumstances.~~

~~(4) Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include: (a) Reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and (b) reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.~~

~~(5) Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at a minimum, the following information:~~

~~(a) The date and time of the incident;~~

~~(b) The name and job title of the individual who administered the restraint or isolation;~~

~~(c) A description of the activity that led to the restraint or isolation;~~

~~(d) The type of restraint or isolation used on the student, including the duration;~~

~~(e) Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and~~

~~(f) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.~~

~~(6) The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.~~

~~(7)(a) Beginning January 1, 2016, and by January 1st annually, each school district shall summarize the written reports received under subsection (5) of this section and submit the summaries to the office of the superintendent of public instruction. For each school, the school district shall include the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used.~~

~~(b) No later than ninety days after receipt, the office of the superintendent of public instruction shall publish to its website the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.~~))

**Application.** This section applies during the provision of educational services:

(a) To all students, including those who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973, of a school district or other provider of public educational services; and

(b) To all staff of a school district or other provider of public educational services, except for staff who are licensed or certified health professionals of an inpatient health care facility.

(2) **Prohibited isolation and restraint.** (a) The staff of any school district or other provider of public educational services are prohibited from using the following interventions on any student during the provision of educational services:

(i) Chemical restraint;

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

(iii) 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) An individual health plan or other health care 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;

(iv) Mechanical restraint;

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

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

(b) Except as authorized under subsection (4)(b) of this section, neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to the use of interventions that are prohibited under this subsection (2).

(3) **Limited use of physical restraint.** The staff of any school district or other provider of public educational services may physically restrain a student 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 use of isolation.** (a) Subject to the limitations in (b) of this subsection (4), the staff of any school district or other provider of public educational services may isolate a student 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;

(iv) During isolation, the student is under the constant visual supervision of the staff;

(v) The isolation of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others; and

(vi) Beginning August 1, 2029, the staff isolating the student has received intensive crisis prevention and response training.

(b) Except as provided in (c) of this subsection (4), beginning August 1, 2025, the staff of any school district or other provider of public educational services are prohibited from isolating any student in prekindergarten through grade five during the provision of educational services, unless requested by the parent or legal guardian of the student and unless authorized as follows:

(i) Two licensed health professionals, acting within the scope of practice for their health professions, have recommended and provided instructions for staff to isolate the student under specified circumstances and conditions that include the conditions described in (a) of this subsection (4). At least one of the licensed health professionals must not be an employee or contractor of the school district or provider of public educational services serving the student. For the purposes of this subsection (4)(b)(i), "licensed health professional" means a licensed behavior analyst, mental health counselor, osteopathic physician, physician, psychiatric nurse, psychiatric nurse practitioner, psychiatrist, or psychologist; and

(ii) The parent or legal guardian of the student provides uncoerced, fully informed, advanced, written consent for the staff to isolate the student as recommended under (b)(i) of this subsection (4).

(c)(i) Through July 31, 2029, or an exemption expiration date established by the office of the superintendent of public instruction, the limitations of (b) of this subsection (4) do not apply to any school district or other providers of public educational services serving students in any of grades prekindergarten through five that have claimed an exemption by August 1, 2025, using the process established under section 18 of this act. The purpose of the exemption is to delay the onset of the prohibition on isolating prekindergarten through grade five students until staff have received student behavior management training and intensive crisis prevention and response training as described in the staff training plan prepared under section 8 of this act.

(ii) School districts and other providers of public educational services that claim an exemption must: (A) Engage with the technical assistance provided by the office of the superintendent of public instruction; and (B) provide the training described in the staff training plan prepared under section 8 of this act, as soon as practicable.

(5) **Isolation rooms.** (a) School districts and other providers of public educational services are prohibited from designing new construction or remodeling buildings to include a room or other enclosed area solely for purposes of isolating a student in any grade.

(b) Beginning August 1, 2029, school districts and other providers of public educational services are prohibited from approving, equipping, or constructing a room or other enclosed area solely for purposes of isolating a student in prekindergarten through grade five, except to comply with subsection (4)(b) of this section.

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

(6) **School resource officers.** Nothing in 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.

(7) **Provision of free appropriate public education.** Nothing in this section is intended to limit the provision of a free appropriate public education under Part B of the federal individuals with disabilities education improvement act or section 504 of the federal rehabilitation act of 1973.

(8) **Definitions.** The definitions in section 2 of this act apply to this section.

**INCIDENT FOLLOW-UP PROCEDURES**

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

This section applies to incidents of student isolation or restraint, whether prohibited or limited under RCW 28A.600.485, and to incidents of a room clear.

(1) **Notifications.** (a) As soon as practicable following the release of the student from isolation or restraint, and as soon as practicable 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 student's parent or legal guardian about the incident, within 24 hours of the incident; and

(ii) Send written documentation, including the incident report prepared under subsection (3)(a) of this section, 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.

(c) With regard to use of isolation or restraint that is prohibited under RCW 28A.600.485(2), 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 educational services are provided to the student who was isolated or restrained under a contract, the other party to the contract, within three business days of the incident.

(2) **Reviews.** (a) As soon as practicable, but no later than one week following submission of the incident report as required under subsection (3) 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 (4) of this section.

(b) As soon as practicable, staff must provide the student with an opportunity to meet with a counselor, nurse, psychologist, or social worker to reflect, process, and recover from the incident.

(c)(i) As soon as practicable, 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:

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

(B) Determine whether proper procedures were followed; and

(C) Identify additional training, coaching, or assistance that may support staff who used, or directed the use of, isolation, restraint, or a room clear, to use less restrictive interventions in similar situations in the future.

(ii) To the extent practicable, pertinent information from the incident review with the student and the student's parent or legal guardian under (a) of this subsection (2) must be considered by the incident review team.

(iii) Nothing in this subsection (2)(c) prevents an incident review team from conducting multiple incident reviews in the same review session.

(3) **Reports.** (a) For each student who was isolated, restrained, or caused an emergency that resulted in a room clear, the principal, other building administrator, or designee shall work with the staff who used, or directed the use of, isolation, restraint, or room clear to prepare a written daily incident report that describes all incidents involving the student during the date for which the report applies. The daily incident reports must be submitted to the school district superintendent or other chief administrator of the provider of public educational services, within two business days of the date for which the report applies. At a minimum, the written report must include:

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

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

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

(iv) A description of relevant events that occurred before, during, and after the incident or incidents, 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 a behavioral intervention plan and, if so, whether the program or plan was followed for each incident or incidents;

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

(vii) Any recommendations to prevent similar, future incidents; and

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

(b) No less than monthly, the principal, other building administrator or designee, shall submit to the school district superintendent or other chief administrator of a provider of public educational services a summary of the outcomes of the team incident reviews under subsection (2)(c) of this section that describes any changes to the nature and amount of resources and supports available to students and staff needed to prevent similar, future incidents. For the prior month, or other relevant period, the summary must also include the number of team incident reviews conducted under subsection (2)(c) of this section and the number of incident reports submitted under (a) of this subsection (3). A summary does not have to be submitted in months that there are no incidents of student isolation or restraint or room clears.

(c) The school district superintendent or other chief administrator of a provider of public educational services shall prepare a summary of the daily incident reports submitted under (a) of this subsection (3), 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.

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

(4) **Behavioral intervention plan.** (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, for the student who was isolated, restrained, or caused the emergency that resulted in a room clear:

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

(ii) 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. 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 (4) 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.

(5) **Definitions.** The definitions in section 2 of this act apply to this section.

**POLICY AND PROCEDURES, AND TRAINING FOR SCHOOL BOARDS AND OTHER GOVERNING BODIES**

**Sec.**  RCW 28A.600.486 and 2013 c 202 s 4 are each amended to read as follows:

((~~Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the district policy on the use of isolation and restraint at the time that the program or plan is created.~~)) (1)(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 subsection. The procedures must comply with the requirements in RCW 28A.600.485 and section 4 of this act, and include a process for convening a team of staff to review incidents of student isolation and restraint and room clears using a systems improvement approach that focuses on supporting staff to use less restrictive interventions as alternatives to isolation and restraint.

(b) By August 1, 2025, 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.

(c) Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the policy and procedures adopted under this subsection (1) at the time that the program or plan is created.

(2) 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 (1) of this section by, at a minimum: (a) Performing trend analyses using the incident report summaries prepared by the school district superintendent or other chief administrator of the provider of public educational services under section 4(3) of this act; and (b) reviewing the staff training plan and updates prepared under section 8 of this act.

(3) If the policy and procedures adopted under subsection (1) of this section includes staff isolation of students in any of grades six through 12 under the conditions described in RCW 28A.600.485(4)(a), the school district board of directors or other governing body of a provider of public educational services must annually submit the policy and procedures at the time and in the manner required by the office of the superintendent of public instruction.

(4) Beginning in the 2024-25 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 17 of this act.

(5) The definitions in section 2 of this act apply to this section.

**Sec.**  RCW 28A.155.210 and 2023 c 436 s 7 are each amended to read as follows:

(1) Parents and legal guardians of students who have individualized education programs must be provided a copy of the policy and procedures adopted in accordance with RCW 28A.600.486.

(2) A student's individualized education program must include procedures for notification of, and incident review with, a parent or legal guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is placed in an authorized entity under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the authorized entity fully complies with RCW 28A.600.485 and section 4 of this act.

(3) The definitions in section 2 of this act apply to this section.

**STAFF TRAININGS**

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

(1) By January 1, 2025, the office of the superintendent of public instruction must develop and publish a model plan and guidance for staff training on student behavior management and intensive crisis prevention and response that school districts and other providers of public educational services must use when developing the staff training plan required by section 8 of this act. The model plan and guidance must be updated periodically to support best practices.

(2) The model plan and guidance required by subsection (1) of this section must:

(a) Propose training content, duration, and frequency categories by staff, program, activity, and duty codes for student behavior management training and for intensive crisis prevention and response training. Nothing in this subsection requires all staff to be trained on intensive crisis prevention and response;

(b) Describe best practices for connecting staff training on student behavior management and intensive crisis prevention and response to existing systems designed to support student learning, social-emotional well-being, and positive behavior in the classroom, for example: (i) Instruction in social-emotional learning that is consistent with learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478; (ii) use of inclusionary practices; and (iii) implementation of the Washington integrated student supports protocol, established under RCW 28A.300.139, within a multitiered system of supports;

(c) Suggest options for compensating staff for training on student behavior management and intensive crisis prevention and response that include: (i) The professional learning days funded under RCW 28A.150.415; (ii) other staff training days funded in a biennial or supplemental operating budget; and (iii) federal funds;

(d) Include mechanisms that can be used to determine whether an entity under contract to provide educational services to students is providing training on student behavior management and intensive crisis prevention and response to the contractor's staff; and

(e) Describe any office of the superintendent of public instruction and education service district resources available to support staff training on student behavior management and intensive crisis prevention and response.

(3) The definitions in section 2 of this act apply to this section.

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

(1)(a) By August 1, 2025, 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 plan and timeline for staff training on student behavior management and intensive crisis management and response. The goal of the plan must be to reduce overall staff use of student isolation and restraint and to have highly trained staff available to isolate or restrain students when appropriate and in the safest possible manner. Nothing in this section requires all staff to be trained on intensive crisis prevention and response.

(b) By August 1, 2026, and by August 1st annually thereafter, an update on the implementation of its staff training plan must be submitted to the office of the superintendent of public instruction.

(c) The model plan and guidance for staff training on student behavior management and intensive crisis prevention and response developed as required by section 7 of this act must be considered prior to plan and update development under this subsection (1).

(d) The plan and each update must be informed by the resource and support needs identified in the team incident review summaries completed under section 4(3) of this act.

(2) The plan and each update must:

(a) Describe the student behavior management and intensive crisis prevention and response training that will be provided or made available to staff during the following school year, with training content, duration, and frequency differentiated by staff, program, activity, and duty codes. When applicable, the plan update must explain why the prior year's training was not provided or made available as planned;

(b) Specify the name of any intensive crisis prevention and response training programs provided or made available to staff, by staff, program, activity, and duty codes;

(c) Explain how staff who have received intensive crisis prevention and response training are made available to prevent isolation and restraint and to reduce the risk of imminent likelihood of serious harm in the safest possible manner; and

(d) Describe the mechanism used to determine whether an entity under contract to provide educational services to students is providing training to the contractor's staff as required by this section.

(3) Training must be prioritized to staff in the following order:

(a) First to staff providing educational services to students with disabilities in prekindergarten through grade five, with further prioritization informed by the team incident review summaries completed under section 4(3) of this act;

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

(c) Third to all other staff.

(4) The definitions in section 2 of this act apply to this section.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.410 RCW to read as follows:

In establishing policies and requirements for the preparation and certification of educators under RCW 28A.410.210, the Washington professional educator standards board shall require that the programs of courses, requirements, and other activities leading to educator certification include the foundational knowledge and skills of student behavior management, as defined in section 2 of this act.

**Sec.**  RCW 28A.320.127 and 2016 c 48 s 1 are each amended to read as follows:

(1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, youth suicide, and sexual abuse. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

(a) Identification of training opportunities in recognition, screening, and referral that may be available for staff;

(b) How to use the expertise of district staff who have been trained in recognition, screening, and referral;

(c) How staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students in a manner that is age and developmentally appropriate and considers any disabilities of the students;

(d) Identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the district and such an entity in the community or region;

(e) Protocols and procedures for communication with parents and guardians, including the notification requirements under RCW 28A.320.160;

(f) How staff should implement trauma-informed and relationship-centered de-escalation approaches to respond to a crisis situation where a student is in imminent danger to himself or herself or others, including protocols to comply with student isolation and restraint requirements under RCW 28A.600.485;

(g) How the district will provide support to students and staff after an incident of violence, youth suicide, or allegations of sexual abuse;

(h) How staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, including how staff should interact with parents, law enforcement, and child protective services; and

(i) How the district will provide to certificated and classified staff the training on the obligation to report physical abuse or sexual misconduct required under RCW 28A.400.317.

(3) The plan under this section may be a separate plan or a component of another district plan or policy, such as the harassment, intimidation, and bullying prevention policy under RCW 28A.300.2851 or the comprehensive safe school plan required under RCW 28A.320.125.

**Sec.**  RCW 28A.413.050 and 2021 c 197 s 12 are each amended to read as follows:

(1) The board shall adopt state standards of practice for paraeducators that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014. These standards must include:

(a) Supporting instructional opportunities;

(b) Demonstrating professionalism and ethical practices;

(c) Supporting a positive and safe learning environment, including by assisting certificated staff with: (i) Responding to the emotional or behavioral distress of students in a manner that is age and developmentally appropriate and considers any disabilities of the students; (ii) implementing behavior management practices and positive behavioral supports; and (iii) using trauma-informed and relationship-centered approaches for de-escalating aggressive student behaviors that include problem solving and conflict resolution;

(d) Communicating effectively and participating in the team process; and

(e) The standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260.

(2) By January 1, 2020, in order to ensure that paraeducators can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the board shall incorporate into the standards of practice for paraeducators adopted under subsection (1) of this section the social-emotional learning standards, benchmarks, and related competencies described in RCW 28A.410.270.

**Sec.**  RCW 28A.415.445 and 2021 c 197 s 8 are each amended to read as follows:

(1) Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, classroom management strategies that include positive behavioral supports and de-escalation strategies, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

(2)(a) In the 2021-22 school year, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Cultural competency, diversity, equity, or inclusion.

(b) Beginning in the 2023-24 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to provide to school district staff a variety of opportunities for training, professional development, and professional learning aligned with the cultural competency, equity, diversity, and inclusion standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260. Alignment with the standards of practice must be evaluated using the rubrics developed under RCW 28A.410.260. The opportunities must also include training on multicultural education and principles of English language acquisition.

(3) For the purposes of this section:

(a) "Cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in RCW 28A.415.443.

(b) "School district staff" includes classified staff, certificated instructional staff, certificated administrative staff, and superintendents.

**STATE MONITORING AND TECHNICAL ASSISTANCE**

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 student isolation and restraint and room clears under RCW 28A.600.485 and 28A.600.486 and sections 4 and 8 of this act.

(2) Within three months of receipt, the office of the superintendent of public instruction shall review each staff training plan and update submitted by a school district or other provider of public educational services under section 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 summaries submitted under section 4(3) 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) Ongoing technical assistance must be provided to school districts and other providers of public educational services to support compliance with the requirements related to student isolation and restraint and room clears under RCW 28A.600.485 and 28A.600.486 and sections 4 and 8 of this act.

(b) At a minimum, this technical assistance must include publishing:

(i) Guidance related to student isolation and restraint and room clears under RCW 28A.600.485 and 28A.600.486 and sections 4 and 8 of this act that is updated periodically to support best practices;

(ii) An approved list of intensive crisis prevention and response training programs that are evidence-based, trauma-informed, student-centered, and proactive. The school mental health assessment research and training center at the University of Washington and the state association for behavior analysis must be consulted during the program approval process;

(iii) A model plan and guidance for staff training on student behavior management developed as required by section 7 of this act; and

(iv) A daily incident report form that includes fields for the information required by section 4(3)(a) of this act.

(5) Prior to implementing the technical assistance, 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 student isolation and restraint and room clear requirements under RCW 28A.600.485 and 28A.600.486 and sections 4 and 8 of this act.

(6) 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 student isolation and restraint and room clears under RCW 28A.600.485 and 28A.600.486 and sections 4 and 8 of this act. The report must describe the progress that school districts and other providers of public educational services have made towards providing training to staff as required by section 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.

(7) The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this section, sections 2, 4, 7, 8, and 13 through 18 of this act, and RCW 28A.600.485, 28A.600.486, 28A.155.210, 28A.320.127, and 28A.415.445.

(8) The definitions in section 2 of this act apply to this section.

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

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide, or contract for the provision of, intensive crisis prevention and response training.

(2) The office of the superintendent of public instruction shall establish criteria for prioritizing provision of the training to staff in the following order:

(a) Staff in school districts and other providers of public educational services that claimed and were approved for an exemption from the prohibition on isolation of prekindergarten through grade five students under RCW 28A.600.485(4)(b), with further prioritization informed by the incident report summaries submitted under section 4(3) of this act;

(b) Staff in school districts and other providers of public educational services that submit policies and procedures that include staff isolation of students in any of grades six through 12 as required by RCW 28A.600.486(3), with further prioritization informed by the incident report summaries submitted under section 4(3) of this act; and

(c) Staff not otherwise included in (a) or (b) of this subsection (2) in school districts and other providers of public educational services with high incidents of isolation, restraint, room clears, and injuries.

(3) Training under this section must be provided to the principals and other building administrators while it is provided to the classified and certificated instructional staff.

(4) The definitions in section 2 of this act apply to this section.

**REGIONAL COACHES**

NEW SECTION. **Sec.**  A new section is added to chapter 28A.310 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall distribute funding to educational service districts for regional coaches to support school districts and other providers of public educational services to implement requirements related to student isolation and restraint and room clears under RCW 28A.600.485 and 28A.600.486 and sections 4 and 8 of this act.

(2) Regional coaches must promote evidence-based, trauma-informed crisis prevention and response practices that are less restrictive than isolation and restraint, as well as classroom management techniques and the use of a multitiered system of supports. In addition, regional coaches must have received intensive crisis prevention and response training through a program approved by the office of the superintendent of public instruction under section 13(4) of this act.

(3) The duties of the regional coaches must include mentoring, observing classes, providing feedback, providing trainings, training others to be trainers and mentors, and supporting actions to nurture a positive social and emotional school and classroom climate as described in RCW 28A.345.085.

(4) An educational service district that receives funding under this section must prioritize coaching services to local school districts and other providers of public educational services using the criteria established by the office of the superintendent of public instruction to prioritize provision of training under section 14 of this act.

(5) Educational service districts are encouraged to employ or contract with board certified behavior analysts to be regional coaches.

(6) The definitions in section 2 of this act apply to this section.

**PLANS OF IMPROVEMENT**

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

(1) When a school district or other provider of public educational services is not making sufficient progress towards the goals established in its staff training plan submitted under section 8 of this act or when disparities in use of isolation or restraint are identified in its incident report summaries submitted under section 4(3) 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 makes sufficient progress towards providing required staff training, or eliminates disparities in use of isolation or restraint, or both.

(2) The definitions in section 2 of this act apply to this section.

**TRAINING PROGRAM FOR GOVERNING BODIES**

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

(1) By November 1, 2024, the office of the superintendent of public instruction shall develop a training program for school district boards of directors and the governing bodies of other providers of public educational services to meet requirements related to student isolation and restraint and room clears under RCW 28A.600.485 and 28A.600.486 and sections 4 and 8 of this act. The training program must be updated periodically.

(2) At a minimum, the training program must include the following content:

(a) The legal prohibitions and limitations on the use of isolation and restraint on students provided under RCW 28A.600.485;

(b) 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;

(c) How to assess compliance with RCW 28A.600.485 and 28A.600.486 and sections 4 and 8 of this act;

(d) A summary of the resources available through the office of the superintendent of public instruction and the educational service districts;

(e) A review of the applicable model policy of the Washington state school directors' association;

(f) The model plan and guidance for staff training on student behavior management developed as required by section 7 of this act; and

(g) Options for supporting system improvement by reprioritizing resources.

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

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

(5) The definitions in section 2 of this act apply to this section.

**SUPPORT FOR THOSE CLAIMING A TEMPORARY EXEMPTION FROM ELEMENTARY ISOLATION PROHIBITIONS**

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

(1)(a) By November 1, 2024, 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 an exemption from the prohibition on isolating prekindergarten through grade five students under RCW 28A.600.485(4). The office of the superintendent of public instruction must approve the exemption of each school district or other provider of public educational services that claims an exemption by August 1, 2025.

(b) Exemptions authorized under this section expire on July 31, 2029; however, the office of the superintendent of public instruction is authorized to extend the exemption expiration date for any school district or other provider of public educational services that claimed an exemption by August 1, 2025, until staff have received student behavior management and intensive crisis prevention and response training as described in the staff training plan prepared under section 8 of this act.

(2) The office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services that claimed and were approved for an exemption. Technical assistance must include assisting with the preparation of a staff training plan, as required by section 8 of this act, that supports compliance with conditions and limitations on use of student isolation under RCW 28A.600.485(4) as soon as practicable.

(3) School districts and other providers of public educational services that claimed and were approved for an exemption must be prioritized for training under section 14 of this act and for regional coaching services under section 15 of this act.

(4) The definitions in section 2 of this act apply to this section.

(5) This section expires June 30, 2040.

**PROFESSIONAL DEVELOPMENT REPORT**

NEW SECTION. **Sec.**  (1) By December 1, 2025, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature a description of the training provided under section 14 of this act, including with its progress on developing a staff training deployment strategy and assembling of a network of training providers, as well as its assessment of the need and demand for staff training in the coming biennium. In assessing the future need and demand, the office of the superintendent of public instruction must consider lessons learned from the demonstration projects and provision of staff training authorized in section 501(4)(mm), chapter 475, Laws of 2023, the number of exemptions claimed under section 18 of this act, and the number of policies and procedures submitted as required by RCW 28A.600.486. The report must identify the intensive crisis prevention and response training program providers approved under section 13(4) of this act and those used by school districts and other providers of public educational services. The report must also describe how the state trainings provided under section 14 of this act connect to related trainings, for example trainings on a multitiered system of supports.

(2) This section expires June 30, 2026.

**EDUCATOR PREPARATION AND PARAEDUCATOR CERTIFICATE REPORT**

NEW SECTION. **Sec.**  (1) By December 1, 2024, 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 the requirements in section 9 of this act and for integrating into paraeducator standards of practice the new requirements in RCW 28A.413.050.

(2) This section expires August 30, 2025.

**ROOM CLEAR REPORT**

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, 2025, in compliance with RCW 43.01.036.

(2) This section expires June 30, 2026.

**REPORT ON PLACEMENT IN AUTHORIZED ENTITIES**

**Sec.**  RCW 28A.155.250 and 2023 c 436 s 8 are each amended to read as follows:

(1) Beginning December 1, 2023, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall annually submit a report to the education committees of the legislature regarding placements of students with disabilities at authorized entities under RCW 28A.155.060. A summary of the report, including a link to the full report content, must also be posted on the office of the superintendent of public instruction's website. The report must include:

(a) The number of students with disabilities placed in in-state authorized entities and the number of students with disabilities placed in out-of-state authorized entities, disaggregated by placing school district;

(b) The academic progress of students receiving special education services from authorized entities, using the results of the two most recent state assessments;

((~~(b)~~)) (c) The graduation rates of students who have received special education services from authorized entities;

((~~(c)~~)) (d) The rate at which students receiving special education services from authorized entities return to their resident school districts;

((~~(d)~~)) (e) Data on student restraint and isolation incidents, discipline, and attendance at authorized entities; ((~~and~~

~~(e)~~)) (f) A year-over-year analysis of placement rates in authorized entities that includes whether placement decisions are influenced by requirements related to student isolation and restraint under RCW 28A.600.485; and

(g) Any corrective action or change in an entity's authorization status, as ordered by the office of the superintendent of public instruction.

(2) The data published under subsection (1) of this section must be disaggregated by each authorized entity when it is possible to do so without disclosing, directly or indirectly, a student's personally identifiable information as protected under the federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

(3) As used in this section, "authorized entity" has the same meaning as in RCW 28A.300.690.

**REPEALER**

NEW SECTION. **Sec.**  RCW 28A.415.330 (Professional development institutes—Managing disruptive students) and 1999 c 166 s 2 are each repealed.

**NULL AND VOID**

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, 2024, in the omnibus appropriations act, this act is null and void.

**--- END ---**