

---

## Education Committee

---

### HB 1795

**Brief Description:** Addressing restraint or isolation of students in public schools and educational programs.

**Sponsors:** Representatives Callan, Santos, Reed, Farivar, Macri and Leavitt.

#### Brief Summary of Bill

- Extends, subject to appropriations, demonstration projects established with the goal of eliminating student isolation and reducing student restraint.
- Places restrictions on the restraint of all students, including by prohibiting chemical and mechanical restraint.
- Places restrictions on the isolation of all students, but provides a time-limited exemption for the isolation of prekindergarten through fifth grade students under specified conditions.
- Modifies requirements for incident notification, incident review, incident reporting, behavioral intervention planning, and policies and procedures.
- Adds staff and governing body training requirements.
- Establishes state compliance monitoring and support, including, subject to appropriation, trainings and coaching services.
- Requires multiple reports from agencies to the Legislature.

**Hearing Date:** 2/10/25

**Staff:** Megan Wargacki (786-7194).

**Background:**

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

### Use of Isolation and Restraint.

Isolation or restraint of a student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm.

Each school district must adopt a policy providing for the least amount of isolation or restraint appropriate to protect the safety of students and staff.

### Student Plans.

Parents and guardians of students who have individualized education programs (IEPs) or plans developed under section 504 of the Rehabilitation Act (section 504 plan) must be provided a copy of the district policy at the time that the IEP or section 504 plan is created.

An IEP or section 504 plan may not include the use of isolation or 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.

Rules adopted by the Office of the Superintendent of Public Instruction (OSPI) define a behavioral intervention plan as part of a student's IEP that describes the positive behavioral interventions and supports to be used to reduce the student's challenging behaviors.

### Incident Notification, Report, and Review.

After any incident of isolation or restraint, the school must review the incident with the student and the parent or guardian, and with the staff who used the isolation or restraint.

The principal must: (1) make a reasonable effort to verbally inform the student's parent or guardian within 24 hours of the incident; and (2) send written notification as soon as practical but postmarked no later than five business days after the incident occurred.

School employees, resource officers, and school security officers who use isolation or restraint must inform the building administrator as soon as possible and submit a written report of the incident to the school district office within two business days.

School districts must annually submit a summary of the staff reports to the OSPI. The OSPI must publish to its website the data received by the school districts. The OSPI may use this data to reduce the use of isolation and restraint.

### Work Group Report.

Legislation enacted in 2022 directed the OSPI to convene a work group to identify trauma-informed strategies, approaches, and curricula for supporting students in distress and with challenging behaviors that prioritize relational safety. The work group's 2022 report includes four categories of recommendations: (1) eliminate isolation and chemical restraint from schools; (2) improve access to proactive and effective mental health supports and trauma-informed behavior supports; (3) increase educator training in de-escalation practices; and (4) improve data collection and reporting.

### Training and Demonstration Projects.

The 2023-25 State Omnibus Operating Appropriations Act appropriated \$10 million to the OSPI to complete the following activities:

- provide statewide training and professional development, including on inclusionary practices, and technical assistance to support the elimination of isolation and reduction of restraint and room clears, with priority to staff of students in prekindergarten through grade 5;
- distribute grants for demonstration projects to build systems that eliminate student isolation, reduce student restraint, and prevent student crisis escalation cycles;
- create a technical assistance manual to support these activities; and
- report to the Legislature, by September 2024 and June 2025, on the status of the demonstration projects, the technical assistance manual, the statewide training offered, implementation challenges and findings, the amount of professional development needed across the state, and recommendations for policy changes or funding.

### **Summary of Bill:**

#### Demonstration Projects.

Subject to appropriations, the Office of the Superintendent of Public Instruction (OSPI) must provide grants for the demonstration projects established under the 2023-25 State Omnibus Operating Appropriations Act. To the extent funding is sufficient to increase the number of pilot sites, the OSPI must select additional pilot sites in central or eastern Washington.

The demonstration sites must showcase specified practices, for example: behavior management and crisis de-escalation strategies; needs assessments; use of regulation spaces; reduced use of student isolation and restraint; inclusionary practices; and incident data collection and reporting. The demonstration sites must continue to serve as learning communities and examples for other school districts to observe positive practices in real-world settings.

The pilot sites must take advantage of learning experiences provided by state contractors and demonstration sites to build systems that incorporate positive, trauma-informed behavior support practices to prevent crisis escalation and reduce the use of restraint and isolation. The pilot sites must improve data collection and reporting systems and complete other tasks to achieve the project goal.

By November 15, 2026, the OSPI must submit to the Legislature a final report on the demonstration projects. The report must, to the extent possible, quantify the impact of the demonstration projects in terms of student outcomes. It must also address key implementation challenges and findings, as well as include recommendations for statewide policy changes.

#### Prohibited Practices.

Staff of school districts and providers of public educational services (education providers) are prohibited from using the following interventions on students:

- chemical restraint;
- corporal punishment;
- 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 an individual health plan or other health care management plan, a behavioral intervention plan (BIP), an individualized education program (IEP), or a plan developed under section 504 of the Rehabilitation Act;
- mechanical restraint;
- 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
- noxious spray and other aversive intervention as prohibited in rule of the OSPI.

Except for isolation requested by a student's parent or guardian and authorized by two licensed health professionals as described below, 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.

#### Use of Physical Restraint.

Staff of school districts and education providers may physically restrain a student when:

1. the student's behavior poses an imminent likelihood of serious harm to the student or to others;
2. less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;
3. 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
4. the physical restraint of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

#### Use of Isolation.

*Conditions.* Subject to the limitations related to students in prekindergarten through grade 5 (PK-5) described below, staff of school districts and education providers may isolate a student when:

1. the student's behavior poses an imminent likelihood of serious harm to the student or to others;
2. less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;
3. 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;
4. during the isolation, the student is under the constant visual supervision of the staff;
5. the isolation of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others; and
6. beginning August 1, 2030, the staff isolating the student has received intensive crisis prevention and response training through an OSPI-approved program.

*Limitations.* Beginning August 1, 2027, unless a temporary exemption has been claimed as

described below, staff of school districts and education providers are prohibited from isolating a PK-5 student, unless requested by the parent or guardian of the student and unless authorized as follows:

1. two qualified licensed health professionals, each acting within their respective scopes of practice, have recommended and provided instructions for staff to isolate the student under specified including the conditions described above; and
2. the parent or guardian of the student provides uncoerced, fully informed, and advanced written consent for the staff to isolate the student as recommended by the licensed health professionals.

*Temporary Exemptions.* The prohibition on isolating PK-5 students does not apply to school districts and education providers that claim an exemption from the OSPI by August 1, 2027.

Those that claim an exemption must: (1) engage with the technical assistance provided by the OSPI; and (2) provide training as described in the staff training plan as soon as practicable. All exemptions expire on July 31, 2031; however, the OSPI may extend the expiration date for any school district or education provider that claimed an exemption by August 1, 2027, until staff have received student behavior management and intensive crisis prevention and response training as described in the staff training plan. Those that claim an exemption are prioritized for any OSPI-provided intensive crisis prevention and response training and for regional coaching services.

*Enclosures for the Purpose of Isolation.* School districts and education providers 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. Beginning August 1, 2030, school districts and education providers are prohibited from approving, equipping, or constructing a room or other enclosed area solely for purposes of isolating a PK-5 student, except to comply with isolation requested by a student's parent or guardian and authorized by two licensed health professionals as described above. These prohibitions related to enclosures for the purpose of isolation do not apply to a state-operated psychiatric hospital that serves students.

#### School Resource Officer.

The prohibitions and limitations on student isolation and restraint do not prohibit a school resource officer from carrying out the lawful duties of a commissioned law enforcement officer.

#### Follow-up Procedures.

*Incident Notifications.* The following notifications must be made after any incident of isolation, restraint, or room clear:

- As soon as practicable following the student's release from isolation or restraint, or the return of students from a room clear, staff must notify the principal or building administrator about the incident.
- Within 24 hours, the principal or building administrator must notify the student's parent or guardian about the incident.
- Within three business days, the principal or building administrator must send written documentation of the incident to the parent or guardian.

In addition, the principal or building administrator must make the following notifications after an incident of prohibited isolation or restraint:

- within one business day, notify the school district superintendent or chief administrator of the education provider;
- within three business days, notify the OSPI; and
- if the educational services are provided to the student under a contract, within three business days, notify the other party to the contract.

*Behavioral Intervention Plans.* As soon as practicable after any incident, staff must, for the student who was isolated, restrained, or caused the emergency that resulted in a room clear:

- complete a functional behavioral assessment, if one has not been completed; and
- develop or modify a BIP. In cases where the student has an IEP, the BIP must be developed and modified in accordance with the student's IEP.

*Incident Reviews.* The following reviews must be completed as soon as practicable after any incident of isolation, restraint, or room clear:

- The principal or building administrator must review the incident with the student and the parent or guardian and inform them about BIP requirements within one week of incident report submission.
- Staff must provide the student with an opportunity to meet with a counselor, nurse, psychologist, or social worker.
- A team of staff must review the incident and identify needed training, coaching, or assistance for staff who used, or directed the use of, isolation, restraint, or room clear. The team may conduct multiple incident reviews in the same review session.

No less than monthly, the principal or building administrator must submit to the school district superintendent or chief administrator of the education provider a summary of the outcomes of the team incident reviews that describes any resources needed for incident prevention.

*Incident Reports.* For each student who was isolated, restrained, or caused an emergency that resulted in a room clear, the principal or building administrator must work with the staff who used or directed the use of isolation, restraint, or room clear to prepare a single written daily incident report that describes all incidents involving the student during the date for which the report applies. The daily incident report must include specified information on seven topics and be submitted to the school district superintendent or the chief administrator of the education provider within two business days of the date for which the report applies.

At least annually, a summary of the daily incident reports must be prepared that is disaggregated for the purpose of trend analysis by student categories, school, staff job title, incident type, etc. Each school district and education provider must submit its summary to the OSPI for publication on the OSPI website in a manner that allows trend analysis.

#### Policies and Procedures.

By August 1, 2026, and periodically thereafter, each school board and education provider's governing body must revise the student isolation and restraint policy and procedures with input from specified groups. If the policy and procedures permit staff isolation of students in grades 6 through 12, the policy and procedures must be annually submitted to the OSPI.

The school boards and governing bodies must annually monitor the impact of the policy and procedures by performing trend analyses using the incident report summaries and reviewing the staff training plan described below.

#### Training for Governing Bodies.

Beginning in the 2025-26 school year, and every four years thereafter, each member of the school board and each member of the governing body of an education provider must complete a training program on student isolation and restraint and room clear requirements, specified resources, and other listed topics.

The training program must be developed, and updated periodically, by the OSPI, in partnership with the Washington State School Directors' Association (WSSDA). It must be available at no cost and be easily accessible to school boards, governing bodies of education providers, and WSSDA.

#### Training for Staff.

*Model Staff Training Plan and Guidance.* By January 1, 2026, the OSPI must develop and publish a model plan and guidance for staff training on student behavior management and OSPI-approved intensive crisis prevention and response that school districts and education providers must use when developing the staff training plan described below. Among other things, the model plan and guidance must: (1) propose training content, duration, and frequency categories by staff, program, activity, and duty codes; although, not all staff are required to be trained on intensive crisis prevention and response; (2) describe best practices for connecting staff training to existing systems designed to support student learning, social-emotional well-being, and positive behavior in the classroom; and (3) recommend options for compensating staff for training.

"Student behavior management" is defined to mean the knowledge and skills to: (1) implement proactive classroom management strategies that create a positive and safe learning environment; (2) 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; (3) understand and implement behavior management practices and positive behavioral supports within a multitiered system of supports; and (4) 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.

*Staff Training Plan and Updates.* By August 1, 2026, and by August 1 annually thereafter, after considering the OSPI's model plan and guidance, each school district superintendent and chief

administrator of an education provider, or the school board and education provider's governing body, must submit to the OSPI a plan and timeline for training on student behavior management and OSPI-approved intensive crisis management and response that will be provided or made available to staff during the following school year. Plan development and staff prioritization of training must be informed by the team incident review summaries.

The plan and each update must also include:

- the name of any OSPI-approved intensive crisis prevention and response training program provided or made available to staff by staff, program, activity, and duty code;
- how staff who have received intensive crisis prevention and response are made available to prevent isolation and restraint and to reduce the risk of imminent likelihood of serious harm in the safest possible manner;
- provision of training to staff in a specified order and with training content, duration, and frequency differentiated by staff, program, activity, and duty codes;
- when applicable, explain why the prior year's training was not provided or made available as planned; and
- the mechanism used to verify that any entity contracted to provide educational services is also training its staff.

Subject to appropriation, the OSPI must provide or contract for the provision of OSPI-approved intensive crisis prevention and response training with priority first to staff in school districts and education providers that have claimed an exemption from the prohibition on isolating PK-5 students and with second priority to staff in school districts and education providers that submit policies and procedures that permit staff isolation of students in grades 6 through 12.

*Educator Preparation Programs.* In establishing policies and requirements for the preparation and certification of educators, the Professional Educator Standards Board (PESB) must require that the programs of courses, requirements, and other activities leading to educator certification include the foundational knowledge and skills of student behavior management.

#### State Monitoring and Technical Assistance.

The OSPI must monitor and support compliance of school districts and education providers with student isolation, restraint, and room clear requirements.

The OSPI must provide technical assistance that includes publishing:

1. guidance related to student isolation and restraint and room clears that is updated periodically to support best practices;
2. a daily incident report form; and
3. 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 and the State Association for Behavior Analysis must be consulted during the program approval process.

Before implementing the technical assistance and periodically thereafter, the OSPI must conduct



focus groups on the challenges of implementing isolation, restraint, and room clear requirements.

#### Regional Coaches.

Subject to appropriation, the OSPI must distribute funding to educational service districts for regional coaches to support the implementation of student isolation and restraint and room clear requirements, with priority first to staff in school districts and education providers that have claimed an exemption from the prohibition on isolating PK-5 students and with second priority to staff in school districts and education providers that submit policies and procedures that permit staff isolation of students in grades 6 through 12.

Regional coaches must have received OSPI-approved intensive crisis prevention and response training and 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.

#### Plans of Improvement.

When a school district or education provider is not making sufficient progress towards the goals established in its staff training plan or when disparities in use of isolation or restraint are identified in its incident report summaries, the OSPI must place the school district or education provider on a plan of improvement. Under a plan of improvement, the OSPI must provide targeted technical assistance, including annual site visits, until sufficient progress is made towards providing required staff training, eliminating disparities in the use of isolation or restraint, or both.

#### Reports to the Legislature.

Annually by November 1 the OSPI must report to the Legislature with a summary of its monitoring and support activities. The report must describe the progress school districts and other education providers have made towards providing required trainings to staff.

By December 1, 2025, the OSPI must report to the Legislature with a rolling training strategy to ensure that the school districts and education providers that have claimed an exemption from the prohibition on isolating PK-5 students have the opportunity to, by each provider's exemption expiration date, substantially complete either the OSPI's model staff training plan or the school district or education provider's staff training plan. In developing the strategy, the OSPI must consider lessons learned from the demonstration projects and provision of staff training conducted to date, and the number of exemptions claimed. The report must identify the intensive crisis prevention and response training program providers approved by OSPI and those known to be used by school districts and other education providers. It must also describe how the OSPI-approved intensive crisis prevention and response trainings provided or contracted by OSPI connect to related trainings.

By December 1, 2025, the PESB and the Paraeducator Board must jointly submit to the Legislature a plan for integrating into educator preparation programs and paraeducator standards of practice the elements of student behavior management.

Beginning December 1, 2025, the OSPI must add to its annual report on placements of students with disabilities at authorized entities: (1) the number of students with disabilities in authorized entities within the state and outside the state; and (2) an analysis of whether placement decisions are influenced by requirements related to student isolation and restraint.

By September 1, 2026, the OSPI must submit to the Legislature the report of a research entity contracted to analyze the impacts of room clears on students and to summarize best practices on the use of room clears.

Definitions.

Definitions for the following terms are revised or added: BIP, chemical restraint, educational service, functional behavioral assessment, imminent, intensive crisis prevention and response training, isolation, likelihood of serious harm, mechanical restraint, physical escort, physical prompt, physical restraint, provider of public educational services, restraint, room clear, staff, student behavior management, and students.

**Appropriation:** None.

**Fiscal Note:** Requested on February 4, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.