

HOUSE BILL REPORT

HB 1795

As Reported by House Committee On:
Education

Title: An act relating to restraint or isolation of students in public schools and educational programs.

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

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

Brief History:

Committee Activity:

Education: 2/10/25, 2/17/25 [DP].

Brief Summary of Bill

- Extends, subject to appropriations, demonstration projects established to reduce student isolation and restraint in public schools.
- Allows physical restraint and isolation of students under certain conditions.
- Prohibits specified interventions, including chemical and mechanical restraint, and prohibits the construction of isolation rooms.
- Prohibits the isolation of students in prekindergarten through fifth grade beginning August 1, 2027, except under specified conditions.
- Modifies requirements for incident notification, incident review, incident reporting, behavioral intervention planning, and policies and procedures.
- Adds school 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.

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.

Majority Report: Do pass. Signed by 12 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Keaton, Assistant Ranking Minority Member; Bergquist, Callan, Donaghy, Ortiz-Self, Pollet, Reeves, Scott and Stonier.

Minority Report: Do not pass. Signed by 2 members: Representatives Chase and Steele.

Minority Report: Without recommendation. Signed by 4 members: Representatives Couture, Eslick, Marshall and McEntire.

HOUSE COMMITTEE ON EDUCATION

Staff: Megan Wargacki (786-7194).

Background:

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. 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 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.

Follow-Up Procedures.

Following the use of restraint or isolation the school must implement certain procedures.

Notifications. Staff who used restraint or isolation must inform the building administrator as soon as possible. The principal or designee must make a reasonable effort to verbally inform the parent or guardian within 24 hours of the incident and must send written

notification as soon as practical but postmarked no later than five business days.

Incident Reviews. The staff member who administered the restraint or isolation must review the incident to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents. The incident must be reviewed with the student and the parent or guardian to address the precipitating behavior and the appropriateness of the response.

Incident Reports. Staff must submit a written report of the incident containing specified information to the district office within two business days of the incident.

Reports and Monitoring.

Annually, by January 1, each school district must summarize incident reports and submit them to the OSPI. The report must include the number of incidents of restraint and isolation, the number of students, number of injuries to students and staff, and the types of restraint or isolation used. The OSPI must publish this data to its website and may use the data to investigate efforts to reduce the use of restraint and isolation.

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. 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, 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 during the provision of educational services:

- 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 by 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 during the provision of educational services only 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 during the provision of educational services only 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 during the provision of educational services, unless:

1. requested by the parent or guardian of the student;
2. two qualified licensed health professionals have recommended and provided instructions for staff to isolate the student under specified circumstances; and
3. the parent or guardian of the student provides uncoerced, fully informed, and advanced written consent.

Temporary Exemptions. Through July 1, 2031, or a later exemption expiration date established by the OSPI, the prohibition on isolating PK-5 students does not apply to school districts and education providers that claim an exemption 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.

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. As soon as practicable following the release of a student, staff who used or directed the use of isolation, restraint, or room clear must notify the principal or building administrator about the incident, and the principal or building administrator must:

- notify the student's parent or guardian about the incident within 24 hours;
- send written documentation of the incident to the parent or guardian within three business days;
- notify the school district superintendent or chief administrator of the education provider about an incident of prohibited isolation or restraint within one business day; and
- notify the OSPI about an incident of prohibited isolation or restraint within three business days.

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 for the student's behavior of concern; 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. As soon as practicable, but no later than within one week of submission of the incident report, the principal or building administrator must review the incident with the student and the parent or guardian to discuss the events that occurred before, during, and after the incident, and inform them about BIP requirements.

As soon as practicable, staff must provide the student with an opportunity to meet with a

counselor, nurse, psychologist, or social worker. Also, as soon as practicable, a team of staff must review the incident to: provide an opportunity for reflection, processing, and recovery from the incident; determine whether proper procedures were followed; and identify needed training, coaching, or assistance for involved staff. 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.

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, an explanation of 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, and must adopt rules to implement these 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 the 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 the 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.

Staff Summary of Public Testimony:

(In support) Youth with disabilities are harmed physically, emotional, and mentally by the practices of isolation and restraint currently in place in schools, but positive alternatives exist. Some children are restrained or isolated for what is considered unacceptable behavior, sometimes despite an imminent risk of serious harm. Some children have amazing teachers who do not believe in isolation and restraint, but allow their students to grow, change, and excel in school.

The real work is in prevention, which occurs by training staff to deescalate situations before they become crises. Supporting students who have experienced trauma is also essential. The bill will make school a safer place; allowing kids to learn and grow without outside worries.

The use of isolation and restraint, primarily against youth of color and youth with disabilities is sickening. It not only socially ostracizes students, but can have severe negative mental and emotional consequences. When students are isolated, it causes trauma for the student and their family. The students may be scared to return to schools. And their negative behaviors may escalate.

The bill prohibits mechanical restraint and pepper spray. Some schools say that students are not in isolation because a paraeducator is in the room, even when the student was not free to leave and did not choose to go in the room.

The demonstration projects directly support school districts shifting to relationship centered approaches by providing funding, staff training, and coaching. School districts that train their staff see a dramatic decrease in incidents involving student restraint, escort, and isolation, and also have fewer students in specialized programs. Continuing the demonstration project funding will allow these best practices to reach more students.

(Opposed) None.

(Other) Members of both caucuses have worked on this complex bill over the last two years. This bill takes important and reasonable steps toward ensuring student safety and training educators to prevent and appropriately respond to challenging behaviors. No one wants to be forced to restrain a student, but the only way to reduce restraint is to fully staff classrooms with trained staff. When low-paying staff leave for better paying jobs, the resources invested to train them are wasted. Professional development must be funded as the bill is being implemented, though schools' need for this funding varies greatly.

There are concerns about whether staff can continue to use reasonable measures that are developmentally appropriate, like confining students to a room with an adult while the students regulate their emotions. There is uncertainty about whether school staff are allowed to intervene with students in the following situations: inappropriate touching, running, climbing, and fighting. It is not clear whether the existing statute or the bill go far enough to address those circumstances.

The number of students with disruptive behaviors in schools has increased 8- to 10-fold. The behaviors of these students can scare other students, and staff must react quickly. The bill will prevent schools from supporting students with autism in the way that they need.

The results from the demonstration projects indicate that the public school system can do better. However, the state and school district budgets are in budget difficulties and schools are facing staff reductions.

Persons Testifying: (In support) Representative Lisa Callan, prime sponsor; Diego Gonzalez; Molly Lyman; Dominick Ventresco, Pullman School District 267; Lissan Wipfli, Exec. Dir. Special Education, Lakewood School District; Giselle Gonzales; and Esther Warwick.

(Other) Christy Tautfest, SEIU 925, Paraprofessional; Bri Nelson, SEIU 925, Paraprofessional; Jared Mason-Gere, Washington Education Association; Roz Thompson, Association of Washington School Principals; and Rick Chisa, Public School Employees of Washington (PSE).

Persons Signed In To Testify But Not Testifying: Samantha Fogg, Seattle Council PTSA Co-President; David Mendez, True Measure Collaborative (RREI project); and Misha Cherniske, Office of the Superintendent of Public Instruction.