

# SENATE BILL REPORT

## SB 5654

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As of February 13, 2025

**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:** Senators Wilson, C., Frame, Hasegawa, Nobles, Orwall, Trudeau and Wellman.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/13/25.

### Brief Summary of Bill

- Prohibits certain interventions, including chemical and mechanical restraint, and prohibits the construction of isolation rooms.
- Allows physical restraint and isolation only when certain requirements are met.
- Prohibits the isolation of students in prekindergarten through grade five beginning August 1, 2027, but provides a time-limited exemption from this requirement under specified conditions.
- Expands the procedures following the use of restraint or isolation, including notifications, incident reviews, incident reports, and behavioral intervention plans.
- Adds staff and governing body training requirements.
- Establishes state compliance monitoring and support, including trainings and coaching services, subject to appropriations.
- Requires multiple reports from agencies to the Legislature.
- Extends demonstration projects established to reduce the isolation and

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restraint of students, subject to appropriations.

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## SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Ailey Kato (786-7434)

**Background:** Restraint and Isolation. In 2013, the Legislature set out certain requirements when restraint or isolation was used on a student who has an individualized education program (IEP) or a plan developed under section 504 of the Rehabilitation Act of 1973. These requirements included certain follow-up procedures and notification requirements.

In 2015, these requirements were modified and expanded to all students. Current law permits restraint or isolation 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 as dissipated.

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.

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

Reports and Monitoring. Annually, by January 1st, each school district superintendent or chief administrator must summarize incident reports and submit to the Office of the Superintendent of Public Instruction (OSPI). The report must include the number of individual incidents of restraint and isolation, the number of students, number of injuries to students and staff, and the types of restraint or isolation used.

OSPI must publish this data to its website. OSPI may use this data to investigate the training, practices, and other efforts to reduce the use of restraint and isolation.

Policies and Procedures. Each school district must adopt a policy providing for the least

amount of restraint or isolation appropriate to protect the safety of students and staff.

Work Group Report. In 2022, the Legislature directed 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 developed four categories of recommendations:

- eliminate isolation and chemical restraint from schools;
- improve access to proactive and effective mental health supports and trauma-informed behavior supports;
- increase educator training of de-escalation practices; and
- improve data collection and reporting.

Professional Development and Demonstration Projects. In 2023 and 2024, the operating budget provided a total of \$10 million to OSPI to provide statewide professional development and technical assistance and to provide grants for demonstration projects. According to an OSPI report, six school districts had demonstration sites, and 16 school districts had pilot sites. The demonstration sites showcase best practices for eliminating isolation and reducing restraints, and pilot sites engage in professional development through learning experiences offered by the demonstration sites.

OSPI must create a technical assistance manual to support the elimination of isolation and reduction of restraint and room clears based on the results of the demonstration projects and submit a final report on June 30, 2025.

**Summary of Bill:** Demonstration Projects. Subject to appropriations, OSPI must provide grants for demonstration projects to allow other school districts to observe positive practices. To the extent funding is sufficient, OSPI must select additional pilot sites in central or eastern Washington.

By November 15, 2026, OSPI must submit a final report on the demonstration projects to the Legislature.

Definitions. Definitions for various terms are revised or added including definitions for the various types of restraint, physical escort, physical prompt, room clears, and behavioral intervention plans.

The requirements in the bill apply to school districts and other providers of public educational services (other providers) such as public schools, educational service districts, institutional education providers, and authorized entities providing special education services.

Prohibited Interventions. Staff of any school district or other providers are prohibited from using the following interventions on any student during the provision of educational services:

- chemical restraint;
- corporeal punishment;
- isolation or physical restraint contraindicated based on the student's disability or health care needs or medical or psychiatric condition as documented in certain plans;
- 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.

Neither a student nor the parent or legal guardian may consent or be asked to consent to the use of these prohibited interventions.

Use of Physical Restraint. Staff may physically restrain a student during the provision of educational services only when:

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

Use of Isolation. Subject to other limitations, staff may isolate a student only when:

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

Beginning August 1, 2027, unless a temporary exemption has been claimed, staff 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;
- two licensed health professionals have recommended and provided instructions for staff to isolate under specified circumstances; and
- the parent or legal guardian provides uncoerced, fully informed, advanced written consent.

Through July 1, 2031, or a later exemption expiration date established by OSPI, the prohibition on isolation for students in prekindergarten through grade five does not apply to any school district or other provider claiming an exemption by August 1, 2027. School districts and other providers claiming an exemption must engage with technical assistance and provide training as soon as practicable. OSPI must establish and implement an exemption process that meets certain requirements.

Isolation Rooms. School districts and other 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 other providers 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.

These provisions do not apply to a state-operated psychiatric hospital that serves students.

School Resource Officers. Nothing prohibits a school resource officer from carrying out lawful duties of a commissioned law enforcement officer.

Follow-Up Procedures. Additional requirements are added to the follow-up procedures.

*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, other building administrator, or designee (building administrator) about the incident, and they must:

- notify the parent or legal guardian within 24 hours of the incident;
- send written documentation, including the incident report, to the parent or legal guardian within three business days of the incident;
- notify the school district superintendent or other chief administrator (chief administrator) about incidents of prohibited isolation and restraint within one business day; and
- notify OSPI about incidents of prohibited isolation and restraint within three business days.

*Incident Reviews.* As soon as practicable, but no later than one week following the submission of the incident report, the building administrator must review the incident with the student and the parent or legal guardian to discuss the relevant events that occurred before, during, and after the incident, and to inform them about behavioral intervention planning.

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.

As soon as practicable, a team of staff must review the incident to:

- provide an opportunity to reflect on, process, and recover;
- determine whether proper procedures were followed; and
- identify additional training, coaching, or assistance.

*Incident Reports.* The 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 with certain information. The daily incident reports must be submitted to the chief administrator within two business days.

No less than monthly, the building administrator must submit a summary of the outcomes of the team incident reviews that describes any changes to the nature and amount of resources and supports available to students and staff needed prevent similar, future incidents.

At least annually, the chief administrator must prepare a summary of the daily incident reports, which must be disaggregated for purposes of trend analyses. They must also submit incident report summaries at the time and in the manner required by OSPI.

*Behavioral Intervention Plans.* As soon as practicable following an incident, staff must:

- complete a functional behavioral assessment unless a functional behavioral assessment was previously completed for the student's behavior of concern; and
- develop a behavioral intervention plan or review an existing plan and modify as necessary.

When a student has an IEP, the behavioral intervention plan must be developed and modified in accordance with the IEP.

Isolation and Restraint Policy and Procedures. School boards or other governing bodies (governing bodies) must adopt a student isolation and restraint policy and procedure that meets the requirements in state law and include a process for convening a team of staff to review incidents. If the policy and procedure includes isolation of student in grades 6 to 12, the governing body must annually submit the policy and procedures at the time and in the manner required by OSPI.

By August 1, 2026, and periodically thereafter, governing bodies must review and revise as necessary these policies and procedures with input from staff, students, families, advocacy organizations, and other appropriate community members. On an annual basis governing bodies must monitor the impact of the policy and procedures.

Parents and legal guardians must be provided a copy of the policy and procedures at the time certain plans and programs are created.

Training and Coaching. Beginning in the 2025-26 school year, and every four years thereafter, each member of governing bodies must complete an OSPI-developed training

program on student isolation and restraint provided at no cost. The training program must include certain components.

By January 1, 2026, OSPI must develop and publish a model plan and guidance for staff training on student behavior management and intensive crisis prevention and response with certain components.

By August 1, 2026, chief administrators or governing bodies must prepare and submit to OSPI a plan and timeline for staff training with certain components. Annual updates to this plan must be submitted each August 1st thereafter.

The Professional Educator Standards Board (PESB) must require that the programs of courses, requirements, and other activities leading to educator certification includes the foundational knowledge and skills of student behavior management.

The Paraeducator Board must include assisting certificated staff with responding to emotional or behavioral distress of students, implementing behavior management practices and positive behavioral supports, and using trauma-informed and relationship-centered approaches for de-escalation in the state standards of practice.

In the required plan for recognition, initial screening, and response to emotional or behavior distress in students, school districts must include how staff should implement trauma-informed and relationship-centered de-escalation approaches, and protocols to comply with isolation and restraint requirements. It must also include how staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students in a manner age and developmentally appropriate and considers any known documented disabilities.

Classroom management strategies that include positive behavioral supports and de-escalation practices is added to the list of topics that school districts must choose from for one of their professional learning days

Subject to appropriations, OSPI must provide, or contract for the provision of, intensive crisis prevention and response training to certain prioritized staff.

Subject to appropriations, OSPI must distribute funding to educational service districts for regional coaches to support implementation of isolation, restraint, and room clear requirements. Regional coaches must receive certain training and have specified duties.

State Monitoring and Technical Assistance. OSPI must monitor and support the compliance with isolation and restraint requirements and room clears, and must adopt rules to implement the requirements.

Within three months of receipt, OSPI must review each staff training plan and update. At



least annually, OSPI must require the submission of incident report summaries and publish this data within 90 days of receipt.

Ongoing technical assistance must be provided including certain guidance and resources. Before implementing this technical assistance, OSPI must collaborate with certain entities and conduct focus groups.

Annually by November 1st, OSPI must report to the Legislature with a summary of its monitoring and support activities.

Plans of Improvement. When a school district or other provider is not making sufficient progress toward the goals established in its staff training plan or when disparities in the use of isolation or restraint are identified, OSPI must place them on a plan of improvement. Under a plan of improvement, OSPI must provide targeted technical assistance until sufficient progress is made.

Reports to the Legislature. The following reports must be submitted to the Legislature:

- OSPI must submit a professional development strategy report for schools claiming an exemption to the isolation prohibition by December 1, 2025;
- PESB and the Paraeducator Board must jointly submit a report on educator preparation and paraeducator certificates by December 1, 2025;
- an OSPI-selected contractor must submit a report on room clears by September 1, 2026; and
- OSPI must include in an existing annual report the number of students with disabilities placed in authorized entities within and outside the state, and an analysis of placement rates and whether decisions are influenced by isolation and restraint requirements due each December 1st.

**Appropriation:** The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

**Fiscal Note:** Requested on February 6, 2025.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.