

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5559 SB	<b>Title:</b> Student restraint, isolation
-----------------------------	--

## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Superintendent of Public Instruction	1.1	317,000	317,000	317,000	1.1	304,000	304,000	304,000	1.1	304,000	304,000	304,000
Total \$	1.1	317,000	317,000	317,000	1.1	304,000	304,000	304,000	1.1	304,000	304,000	304,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Superintendent of Public Instruction	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Val Terre, OFM	<b>Phone:</b> (360) 280-3973	<b>Date Published:</b> Final
------------------------------------	---------------------------------	---------------------------------

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5559 SB	<b>Title:</b> Student restraint, isolation	<b>Agency:</b> 350-Superintendent of Public Instruction
-----------------------------	--	---

## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.1	1.1	1.1	1.1	1.1
<b>Account</b>					
General Fund-State 001-1	165,000	152,000	317,000	304,000	304,000
<b>Total \$</b>	165,000	152,000	317,000	304,000	304,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Ailey Kato	Phone: 786-7434	Date: 01/30/2023
Agency Preparation: Troy Klein	Phone: (360) 725-6294	Date: 02/04/2023
Agency Approval: Amy Kollar	Phone: 360 725-6420	Date: 02/04/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 of the bill is a finding and intent section.

Section 2(1) is a definition section of the bill.

Section 2(2) clarifies the law to include students who are being served by nonpublic agencies providing special education programs under RCW 28A.155.060.

Section 2(3) prohibits the use of isolation, mechanical restraint, or chemical restraint by school staff when attending school or school related activities. This does not include the duties of a school resource officer (SRO) when carrying out official duties as a commissioned law enforcement officer to make an arrest but does not apply to student discipline which is better handled by the education system. The section states that isolation rooms must remain unlocked and prohibits the construction of rooms or settings to be used for the purpose of isolation and requires their removal or repurposing of current rooms by January 1, 2024.

Section 2(4) is amended to require planning documents for behavioral support for students who are in need of advanced emergency plans. Documents would not waive liability or permit the use of restraint without imminent likelihood of harm and the existence of an emergency plan cannot be used as a condition of enrollment.

Section 2(5) and Section 2(6) remove the term isolation as a behavior control and removes reference to old definition of imminent likelihood of serious harm and requires a policy and procedure to prevent the use of isolation, mechanical restraint, or chemical restraint.

Section 2(7) clarifies language regarding release of a student should isolation occur.

Section 2(8) adds a requirement to identify, in addition to name and title, the certification and history of training for crisis intervention and de-escalation for individuals who administer restraint and isolation. And to describe the restraint or isolation used. These requirements shall include activities offered through nonpublic agencies operating special education programs for students with disabilities, as described in RCW 28A.155.060.

Section 2(10) creates notification requirements:

- The building administrator or designee must be notified of an incident of isolation, mechanical restraint, or chemical restraint immediately.
- Provides that the building administrator or designee must notify the parents or legal guardian of the student within 24 hours of the incident and send written documentation via electronic communication or physical mail within 3 business days of the incident.
- Requires that the administrator or designee notify the school district within 1 business day.
- Requires the administrator or designee to notify the Office of the Superintendent of Public Instruction (OSPI) within three business days for further investigation.

Section 2(11) of the bill:

- Requires an annual submission by December 31st to the school board of a summary of written reports under Section 2(8).
- Requires school districts to provide a cumulative summary report of data under Sections 2(8) & 2(10) to OSPI from the current school year by June 30, 2024, and annually thereafter.
- Adds new data collection components for schools and nonpublic agencies to report the number of incidents; staff imposing restraint were not trained in crisis intervention or de-escalation, incidents with school resource officers or school security guards' involvement, location/placement of the student, data must be further disaggregated by categories under RCW

28A.300.042 and by gender, students who are homeless, students who are dependents pursuant to RCW 13.34, students who are English Language Learner (ELL) or multilingual, and status as a student with a parent who is in the armed services.

- Districts who do not report to OSPI within 6 months of the deadline may be placed on an improvement plan subject to technical assistance and monitoring from OSPI. This includes annual site visits until the district demonstrates improvement through their data.
- The information from Section 2(8) of the bill would include incidents of isolation, if one occurred.

Section 2(12) requires that with the support of OSPI, districts will carry out duties to support the elimination of isolation and mechanical and chemical restraint:

- Attend ongoing professional development and training.
- Provide ongoing training to staff regarding compliance with civil rights laws, Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA) to include disciplinary actions.
- Professional development and training to implement evidence-based systematic approaches (Multi-Tiered System of Supports (MTSS), school wide Positive Behavioral Interventions and Supports (PBIS), and universal design for learning and training in addressing disparities when using restraint).
- Technical assistance to support evidence-based crisis intervention including mental health supports, restorative justice programs, trauma-informed care, and crisis and de-escalation interventions.

Section 2(13) requires that OSPI must make training programs and resources available on their website.

**II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

This bill would have no cash receipt impact on OSPI.

**II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

OSPI expenditure impact:

Sections 2(10), 2(11), 2(12), and 2(13) of the bill require that school districts provide OSPI data and information, and that OSPI must make available on its website a list of the training programs and resources to support Section 2(12) of the bill. The required data collection increase and website updating would create a need for more OSPI staff resources. Also, the bill references a plan of improvement for school districts that do not submit their data within 6 months of the due date. This would create a need for staff time to complete monitoring, technical assistance, and on-site visits. OSPI estimates that to complete the work in Sections 2(10), 2(11), 2(12), and 2(13) of the bill would require a .75 FTE Program Supervisor at a WMS 2 level, and also require a .375 Administrative Assistant 3, range 39, step M for support. The cost for these staff is estimated at \$165,000 in FY 2024, and \$152,000 in years after.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	165,000	152,000	317,000	304,000	304,000
<b>Total \$</b>			165,000	152,000	317,000	304,000	304,000

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.1	1.1	1.1	1.1	1.1
A-Salaries and Wages	87,000	87,000	174,000	174,000	174,000
B-Employee Benefits	49,000	49,000	98,000	98,000	98,000
C-Professional Service Contracts					
E-Goods and Other Services	8,000	8,000	16,000	16,000	16,000
G-Travel	8,000	8,000	16,000	16,000	16,000
J-Capital Outlays	13,000		13,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	165,000	152,000	317,000	304,000	304,000

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Assistant 3, range 39, step m	50,592	0.4	0.4	0.4	0.4	0.4
Program Supervisor, WMS 2	90,544	0.8	0.8	0.8	0.8	0.8
<b>Total FTEs</b>		1.1	1.1	1.1	1.1	1.1

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

This bill would have no capital expenditure impact on OSPI.

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5559 SB	<b>Title:</b> Student restraint, isolation	<b>Agency:</b> SDF-School District Fiscal Note - SPI
-----------------------------	--	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Ailey Kato	Phone: 786-7434	Date: 01/30/2023
Agency Preparation: Troy Klein	Phone: 360 725-6294	Date: 02/04/2023
Agency Approval: Amy Kollar	Phone: 360 725-6420	Date: 02/04/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 of the bill is a finding and intent section.

Section 2(1) is a definition section of the bill.

Section 2(2) clarifies the law to include students who are being served by nonpublic agencies providing special education programs under RCW 28A.155.060.

Section 2(3) prohibits the use of isolation, mechanical restraint, or chemical restraint by school staff when attending school or school related activities. This does not include the duties of a school resource officer (SRO) when carrying out official duties as a commissioned law enforcement officer to make an arrest but does not apply to student discipline which is better handled by the education system. The section states that isolation rooms must remain unlocked and prohibits the construction of rooms or settings to be used for the purpose of isolation and requires their removal or repurposing of current rooms by January 1, 2024.

Section 2(4) is amended to require planning documents for behavioral support for students who are in need of advanced emergency plans. Documents would not waive liability or permit the use of restraint without imminent likelihood of harm and the existence of an emergency plan cannot be used as a condition of enrollment.

Section 2(5) and Section 2(6) remove the term isolation as a behavior control and removes reference to old definition of imminent likelihood of serious harm and requires a policy and procedure to prevent the use of isolation, mechanical restraint, or chemical restraint.

Section 2(7) clarifies language regarding release of a student should isolation occur.

Section 2(8) adds a requirement to identify, in addition to name and title, the certification and history of training for crisis intervention and de-escalation for individuals who administer restraint and isolation. And to describe the restraint or isolation used. These requirements shall include activities offered through nonpublic agencies operating special education programs for students with disabilities, as described in RCW 28A.155.060.

Section 2(10) creates notification requirements:

- The building administrator or designee must be notified of an incident of isolation, mechanical restraint, or chemical restraint immediately.
- Provides that the building administrator or designee must notify the parents or legal guardian of the student within 24 hours of the incident and send written documentation via electronic communication or physical mail within 3 business days of the incident.
- Requires that the administrator or designee notify the school district within 1 business day.
- Requires the administrator or designee to notify the Office of the Superintendent of Public Instruction (OSPI) within three business days for further investigation.

Section 2(11) of the bill:

- Requires an annual submission by December 31st to the school board of a summary of written reports under Section 2(8).
- Requires school districts to provide a cumulative summary report of data under Sections 2(8) & 2(10) to OSPI from the current school year by June 30, 2024, and annually thereafter.
- Adds new data collection components for schools and nonpublic agencies to report the number of incidents; staff imposing restraint were not trained in crisis intervention or de-escalation, incidents with school resource officers or school security guards' involvement, location/placement of the student, data must be further disaggregated by categories under RCW

28A.300.042 and by gender, students who are homeless, students who are dependents pursuant to RCW 13.34, students who are English Language Learner (ELL) or multilingual, and status as a student with a parent who is in the armed services.

- Districts who do not report to OSPI within 6 months of the deadline may be placed on an improvement plan subject to technical assistance and monitoring from OSPI. This includes annual site visits until the district demonstrates improvement through their data.
- The information from Section 2(8) of the bill would include incidents of isolation, if one occurred.

Section 2(12) requires that with the support of OSPI, districts will carry out duties to support the elimination of isolation and mechanical and chemical restraint:

- Attend ongoing professional development and training.
- Provide ongoing training to staff regarding compliance with civil rights laws, Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA) to include disciplinary actions.
- Professional development and training to implement evidence-based systematic approaches (Multi-Tiered System of Supports (MTSS), school wide Positive Behavioral Interventions and Supports (PBIS), and universal design for learning and training in addressing disparities when using restraint).
- Technical assistance to support evidence-based crisis intervention including mental health supports, restorative justice programs, trauma-informed care, and crisis and de-escalation interventions.

Section 2(13) requires that OSPI must make training programs and resources available on their website.

## II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

This bill would have no cash receipt impact on school districts.

## II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

School district expenditure impact:

This bill would have an indeterminate expenditure impact on school districts. OSPI has reached out to school districts and, although the responses have not quantified the costs in terms of a dollar amount, they have uniformly reported that the cost impact would be significant in terms of expected professional development and training, staffing, updating policies, procedures, documents, and webpages, and dismantling or repurposing existing isolation rooms. Even for those districts that have existing policies, procedures, and documents in place, the expected cost of implementing this bill would still be significant.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### III. B - Expenditures by Object Or Purpose

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE



**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

This bill would have no capital expenditure impact on school districts.

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*