

DRAFT

SUMMARY

Prohibits public education program from purchasing, building or otherwise taking possession of seclusion cell or from using seclusion cells.

Directs public education program to remove seclusion cells from classrooms by specified date and to remove seclusion cells from premises of public education program by specified date.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to seclusion of students; creating new provisions; amending section
3 7, chapter 665, Oregon Laws 2011; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. (1) As used in this section:

5
6 (a) **“Public education program” means a program that:**

7 (A) **Is for students in early childhood education, elementary school**
8 **or secondary school;**

9 (B) **Is under the jurisdiction of a school district, an education ser-**
10 **vice district or another educational institution or program; and**

11 (C) **Receives, or serves students who receive, support in any form**
12 **from any program supported, directly or indirectly, with funds appro-**
13 **riated to the Department of Education.**

14 (b) **“Seclusion cell” means a self-contained unit that is used to:**

15 (A) **Isolate a student from other students; or**

16 (B) **Physically prevent a student from leaving the unit or cause the**
17 **student to believe that the student is physically prevented from leav-**
18 **ing the unit.**

1 **(2) A public education program may not:**

2 **(a) Purchase, build or otherwise take possession of a seclusion cell;**

3 **or**

4 **(b) Use a seclusion cell.**

5 **(3) Nothing in this section prevents a public education program**
6 **from using seclusion as allowed under sections 1 to 6, chapter 665,**
7 **Oregon Laws 2011.**

8 **SECTION 2.** Section 1 of this 2013 Act is amended to read:

9 **Sec. 1.** (1) As used in this section:

10 (a) “Public education program” means a program that:

11 (A) Is for students in early childhood education, elementary school or
12 secondary school;

13 (B) Is under the jurisdiction of a school district, an education service
14 district or another educational institution or program; and

15 (C) Receives, or serves students who receive, support in any form from
16 any program supported, directly or indirectly, with funds appropriated to the
17 Department of Education.

18 (b) “Seclusion cell” means a self-contained unit that is used to:

19 (A) Isolate a student from other students; or

20 (B) Physically prevent a student from leaving the unit or cause the stu-
21 dent to believe that the student is physically prevented from leaving the unit.

22 (2) A public education program may not:

23 (a) Purchase, build or otherwise take possession of a seclusion cell; or

24 (b) Use a seclusion cell.

25 [(3) *Nothing in this section prevents a public education program from using*
26 *seclusion as allowed under sections 1 to 6, chapter 665, Oregon Laws 2011.*]

27 **SECTION 3.** Section 7, chapter 665, Oregon Laws 2011, is amended to
28 read:

29 **Sec. 7.** (1) Sections 1 to 6 [*of this 2011 Act*], **chapter 665, Oregon Laws**
30 **2011**, are repealed on June 30, 2017.

31 **(2) The amendments to section 1 of this 2013 Act by section 2 of this**

1 **2013 Act become operative on the date specified in subsection (1) of**
2 **this section.**

3 **SECTION 4. (1) As used in this section:**

4 **(a) “Public education program” has the meaning given that term**
5 **in section 1 of this 2013 Act.**

6 **(b) “Seclusion cell” has the meaning given that term in section 1**
7 **of this 2013 Act.**

8 **(2) No later than July 1, 2013, a public education program shall en-**
9 **sure that all seclusion cells are removed from the classrooms of the**
10 **public education program.**

11 **(3) No later than September 1, 2013, a public education program**
12 **shall ensure that all seclusion cells are removed from the premises of**
13 **the public education program.**

14 **SECTION 5. This 2013 Act being necessary for the immediate pres-**
15 **ervation of the public peace, health and safety, an emergency is de-**
16 **clared to exist, and this 2013 Act takes effect on its passage.**

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