

# Enrolled House Bill 2585

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Disability Rights Oregon)

CHAPTER .....

AN ACT

Relating to safety in public education programs; creating new provisions; amending section 5, chapter 665, Oregon Laws 2011; appropriating money; and declaring an emergency.

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

**SECTION 1.** Section 2 of this 2013 Act is added to and made a part of sections 1 to 6, chapter 665, Oregon Laws 2011.

**SECTION 2.** The State Board of Education shall adopt by rule:

(1) A process for an organization or an individual to submit to the Superintendent of Public Instruction a written, signed complaint alleging that a public education program is violating or has violated a provision of sections 1 to 6, chapter 665, Oregon Laws 2011. The complaint must indicate that, prior to submitting the complaint to the superintendent, the organization or individual attempted to seek a remedy for the complaint from the board or governing body overseeing the entity that has jurisdiction over the public education program against which the complaint is being submitted.

(2) A process for investigating a complaint submitted under subsection (1) of this section.

(3) The minimum standards for any rooms used by a public education program for seclusion of a student. The standards must:

(a) Take into account the health and safety of students and personnel of the public education program and the respect and dignity of students; and

(b) Include consideration of the size, safety features, lighting and ventilation of the rooms.

**SECTION 3.** The minimum standards adopted by the State Board of Education for rooms used by a public education program for seclusion of a student, as provided by section 2 (3) of this 2013 Act, first apply to the 2014-2015 school year. The State Board of Education may not apply or enforce standards related to rooms used for seclusion until on or after July 1, 2014.

**SECTION 4.** Section 5, chapter 665, Oregon Laws 2011, is amended to read:

**Sec. 5.** (1) Each entity that has jurisdiction over a public education program must prepare **and submit to the Superintendent of Public Instruction** an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

(a) The total number of incidents involving physical restraint.

(b) The total number of incidents involving seclusion.

(c) The total number of seclusions in a locked room.

**(d) The total number of rooms available for use by the public education program for seclusion of a student and a description of the dimensions and design of the rooms.**

[(d)] **(e)** The total number of students placed in physical restraint.

[(e)] **(f)** The total number of students placed in seclusion.

[(f)] **(g)** The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion.

[(g)] **(h)** The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student.

[(h)] **(i)** The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained as provided by section 6 [of this 2011 Act], **chapter 665, Oregon Laws 2011.**

[(i)] **(j)** The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2)(a) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:

(A) The public at the entity's main office and the website of the entity;

(B) The board or governing body overseeing the entity;

(C) If the entity is an education service district, the component school districts of the education service district; and

(D) If the entity is a public charter school, the sponsor of the public charter school.

(b) Parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.

**SECTION 5. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2013, out of the General Fund, the amount of \$102,674, which may be expended by the department for costs incurred by the department related to the implementation of sections 1 to 6, chapter 665, Oregon Laws 2011.**

**SECTION 6. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

---

**Passed by House June 28, 2013**

.....  
Ramona J. Line, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate July 1, 2013**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

.....  
John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

.....  
Kate Brown, Secretary of State