

# 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)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs State Board of Education to adopt process for complaints about incidents involving use of physical restraint or seclusion in public education programs.

Requires entity that has jurisdiction over public education program to submit to Superintendent of Public Instruction its annual report detailing use of physical restraint and seclusion during preceding school year.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to safety in public education programs; amending sections 4 and 5, chapter 665, Oregon  
3 Laws 2011; and declaring an emergency.

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

5 **SECTION 1.** Section 4, chapter 665, Oregon Laws 2011, is amended to read:

6 **Sec. 4.** (1) Each entity that has jurisdiction over a public education program must establish  
7 procedures for the public education program to follow after an incident involving the use of physical  
8 restraint or seclusion.

9 (2) Following an incident involving the use of physical restraint or seclusion, the following must  
10 be provided to a parent or guardian of the student:

11 (a) Verbal or electronic notification of the incident by the end of the school day when the inci-  
12 dent occurred.

13 (b) Written documentation of the incident within 24 hours of the incident that provides:

14 (A) A description of the physical restraint or seclusion, including:

15 (i) The date of the physical restraint or seclusion;

16 (ii) The times when the physical restraint or seclusion began and ended; and

17 (iii) The location of the physical restraint or seclusion.

18 (B) A description of the student's activity that prompted the use of physical restraint or seclu-  
19 sion.

20 (C) The efforts used to de-escalate the situation and the alternatives to physical restraint or  
21 seclusion that were attempted.

22 (D) The names of the personnel of the public education program who administered the physical  
23 restraint or seclusion.

24 (E) A description of the training status of the personnel of the public education program who  
25 administered the physical restraint or seclusion, including any information that may need to be  
26 provided to the parent or guardian under subsection (3) of this section.

27 (c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this  
28 section and the parent's or guardian's right to attend the meeting.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (3) If the personnel of the public education program who administered the physical restraint or  
 2 seclusion had not received training as provided by section 6 [of this 2011 Act], **chapter 665, Oregon**  
 3 **Laws 2011**, the administrator of the public education program shall ensure that a parent or guardian  
 4 of the student and the district superintendent receive written notification of:

5 (a) The lack of training; and

6 (b) The reason the physical restraint or seclusion was administered by a person without train-  
 7 ing.

8 (4)(a) A debriefing meeting related to the use of physical restraint or seclusion must be held  
 9 within two school days of the incident and must include all personnel of the public education pro-  
 10 gram who were involved in the incident and any other appropriate personnel.

11 (b) Written notes must be taken of the debriefing meeting, and a copy of the written notes must  
 12 be provided to a parent or guardian of the student.

13 (5) If a student is involved in five incidents in a school year involving physical restraint or se-  
 14 clusion, a team consisting of personnel of the public education program and a parent or guardian  
 15 of the student must be formed for the purposes of reviewing and revising the student's behavior plan  
 16 and ensuring the provision of any necessary behavioral supports.

17 (6) If serious bodily injury or death of a student occurs in relation to the use of physical re-  
 18 straint or seclusion, written notification of the incident must be provided within 24 hours of the  
 19 incident to the Department of Human Services.

20 (7) If serious bodily injury or death of personnel of the public education program occurs in re-  
 21 lation to the use of physical restraint or seclusion, written notification of the incident must be  
 22 provided within 24 hours of the incident to the district superintendent and, if applicable, to the un-  
 23 ion representative for the affected party.

24 (8) Each public education program must maintain a record of each incident in which injuries  
 25 or death occurs in relation to the use of physical restraint or seclusion.

26 **(9) The State Board of Education shall adopt by rule a process:**

27 **(a) For an organization or individuals to submit to the Superintendent of Public In-**  
 28 **struction a written, signed complaint alleging that a public education program is violating**  
 29 **or has violated this section.**

30 **(b) For investigating a complaint submitted under paragraph (a) of this subsection.**

31 **SECTION 2.** Section 5, chapter 665, Oregon Laws 2011, is amended to read:

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

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

36 (b) The total number of incidents involving seclusion.

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

38 (d) The total number of students placed in physical restraint.

39 (e) The total number of students placed in seclusion.

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

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

45 (h) The number of incidents in which the personnel of the public education program adminis-

1 tering physical restraint or seclusion were not trained as provided by section 6 [*of this 2011 Act*],  
2 **chapter 665, Oregon Laws 2011.**

3 (i) The demographic characteristics of all students upon whom physical restraint or seclusion  
4 was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency  
5 and status as economically disadvantaged, unless the demographic information would reveal per-  
6 sonally identifiable information about an individual student.

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

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

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

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

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

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

16 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
17 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
18 **on its passage.**