

Enrolled
House Bill 2756

Sponsored by COMMITTEE ON EDUCATION

CHAPTER

AN ACT

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

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

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

(a) "Public education program" means a program that:

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

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

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

(b) "Seclusion cell" means a freestanding, self-contained unit that is used to:

(A) Isolate a student from other students; or

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

(2) A public education program may not:

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

(b) Use a seclusion cell.

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

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

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

(a) "Public education program" means a program that:

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

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

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

(b) "Seclusion cell" means a freestanding, self-contained unit that is used to:

(A) Isolate a student from other students; or

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

(2) A public education program may not:

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

(b) Use a seclusion cell.

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

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

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

(2) The amendments to section 1 of this 2013 Act by section 2 of this 2013 Act become operative on the date specified in subsection (1) of this section.

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

(a) "Public education program" has the meaning given that term in section 1 of this 2013 Act.

(b) "Seclusion cell" has the meaning given that term in section 1 of this 2013 Act.

(2) No later than July 1, 2013, a public education program shall ensure that all seclusion cells are removed from the classrooms of the public education program.

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

SECTION 5. 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 March 6, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 1, 2013

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Peter Courtney, President of Senate

Received by Governor:

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

Approved:

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

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

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

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Kate Brown, Secretary of State