

House Bill 2907

Sponsored by Representatives CLEM, MCKEOWN, MCLAIN, HELT, SMITH G; Representatives ALONSO LEON, BARKER, BONHAM, DOHERTY, EVANS, FAHEY, FINDLEY, GOMBERG, GORSEK, HELM, HERNANDEZ, HOLVEY, LEWIS, LIVELY, MEEK, NATHANSON, NOSSE, POST, PRUSAK, REARDON, SALINAS, SMITH WARNER, SOLLMAN, WILDE, WILLIAMS, WILLIAMSON, Senators STEINER HAYWARD, TAYLOR, THOMSEN

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**.

Expands purposes for which physical restraint may be used on students.
Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to the physical restraint of students; creating new provisions; amending ORS 339.285; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 339.285 is amended to read:

6 339.285. As used in ORS 339.285 to 339.303:

7 (1)(a) "Physical restraint" means the restriction of a student's movement by one or more persons
8 holding the student or applying physical pressure upon the student.

9 (b)[(A)] "Physical restraint" does not include:

10 (A) The touching or holding of a student without the use of force for the purpose of directing
11 the student or assisting the student in completing a task or activity.

12 (B) **Physical intervention used to prevent imminent risk of injury or offensive physical
13 contact.**

14 (C) **Physical intervention that is used to prevent significant disruption of the learning
15 environment and that is reasonably proportionate to the risk of disruption.**

16 [(B)] (D) [*Physical restraint does not include*] Prone restraint as defined in ORS 339.288.

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

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

19 (b) Is under the jurisdiction of a school district, an education service district or another edu-
20 cational institution or program; and

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

23 (3)(a) "Seclusion" means the involuntary confinement of a student alone in a room from which
24 the student is physically prevented from leaving.

25 (b) "Seclusion" does not include the removal of a student for a short period of time to provide
26 the student with an opportunity to regain self-control if the student is in a setting from which the
27 student is not physically prevented from leaving.

28 (4) "Serious bodily injury" means any significant impairment of the physical condition of a per-
29 son, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

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 **SECTION 2.** The amendments to ORS 339.285 by section 1 of this 2019 Act apply to
2 physical intervention occurring on or after the effective date of this 2019 Act.

3 **SECTION 3.** This 2019 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
5 July 1, 2019.
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