

Senate Bill 963

Sponsored by Senator GELSER, Representatives CLEM, MCLAIN, HELT, SALINAS, SMITH G; Senators KNOPP, TAYLOR, THOMSEN, Representatives BOSHART DAVIS, DOHERTY, EVANS, GOMBERG, HERNANDEZ, HOLVEY, MARSH, MCKEOWN, NATHANSON, NERON, RAYFIELD, REARDON, SCHOUTEN, SOLLMAN, WILDE, WILLIAMS, WILLIAMSON (at the request of Oregon Education Association, 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**.

Modifies allowed and prohibited uses of restraint of students by public education programs. Prescribes reporting requirements for use of restraint or seclusion. Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to safe classrooms; amending ORS 161.205, 339.250, 339.285, 339.288, 339.291, 339.294,
3 339.297 and 339.300; and 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 the touching or holding of a student without the use
10 of force for the purpose of directing the student or assisting the student in completing a task or
11 activity.]

12 [(B) "*Physical restraint*" does not include prone restraint as defined in ORS 339.288.]

13 [(2)] (1) "Public education program" means a program **in this state** that:

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

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

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

19 (2)(a) "**Restraint**" means the restriction of a student's actions or movements by holding
20 the student or using pressure or other means.

21 (b) "**Restraint**" does not include:

22 (A) Holding a student's hand or arm to escort the student safely and without the use of
23 force from one area to another;

24 (B) Assisting a student to complete a task if the student does not resist the physical
25 contact; or

26 (C) Providing reasonable intervention with the minimal exertion of force necessary if the
27 intervention does not include a restraint prohibited under ORS 339.288 and the intervention
28 is necessary to:

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 (i) **Break up a physical fight;**

2 (ii) **Interrupt a student’s impulsive behavior that threatens the student’s immediate**
 3 **safety, including running in front of a vehicle or climbing on unsafe structures or objects;**
 4 **or**

5 (iii) **Effectively protect oneself or another from an assault, injury or sexual contact with**
 6 **the minimum physical contact necessary for protection.**

7 (3)(a) “Seclusion” means the involuntary confinement of a student alone in a room from which
 8 the student is physically prevented from leaving.

9 (b) “Seclusion” does not include the removal of a student for a short period of time to provide
 10 the student with an opportunity to regain self-control if the student is in a setting from which the
 11 student is not physically prevented from leaving.

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

14 **SECTION 2.** ORS 339.288 is amended to read:

15 339.288. [(1) *The use of a mechanical restraint, chemical restraint or prone restraint on a student*
 16 *in a public education program in this state is prohibited.*]

17 [(2) *The use of physical restraint or seclusion on a student in a public education program in this*
 18 *state is prohibited unless used as provided in ORS 339.291.*]

19 **(1) The use of the following types of restraint on a student in a public education program**
 20 **is prohibited:**

21 **(a) Chemical restraint.**

22 **(b) Mechanical restraint.**

23 **(c) Prone restraint.**

24 **(d) Supine restraint.**

25 **(e) Any restraint that involves the intentional and nonincidental use of a solid object,**
 26 **including a wall or the floor, to impede a student’s movement, unless the restraint is nec-**
 27 **essary to prevent an imminent life-threatening injury or to gain control of a weapon.**

28 **(f) Any restraint that places, or creates a risk of placing, pressure on a student’s neck**
 29 **or throat.**

30 **(g) Any restraint that places, or creates a risk of placing, pressure on a student’s mouth,**
 31 **unless the restraint is necessary for the purpose of extracting a body part from a bite.**

32 **(h) Any restraint that impedes, or creates a risk of impeding, breathing.**

33 **(i) Any restraint that involves the intentional placement of the hands, feet, elbow, knee**
 34 **or any object on a student’s neck, throat, genitals or other intimate parts.**

35 **(j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure**
 36 **to be placed, on the stomach or back by a knee, foot or elbow bone.**

37 **(k) Any action designed for the primary purpose of inflicting pain.**

38 [(3)] **(2) As used in this section:**

39 (a) “Chemical restraint” means a drug or medication that is used on a student to control be-
 40 havior or restrict freedom of movement and that is not:

41 (A) Prescribed by a licensed physician or other qualified health professional acting under the
 42 professional’s scope of practice for standard treatment of the student’s medical or psychiatric con-
 43 dition; and

44 (B) Administered as prescribed by a licensed physician or other qualified health professional
 45 acting under the professional’s scope of practice.

1 (b)(A) “Mechanical restraint” means a device used to restrict the movement of a student or the
 2 movement or normal function of a portion of the body of a student.

3 (B) “Mechanical restraint” does not include:

4 (i) A protective or stabilizing device ordered by a licensed physician; or

5 (ii) A vehicle safety restraint when used as intended during the transport of a student in a
 6 moving vehicle.

7 (c) “Prone restraint” means a restraint in which a student is held face down on the floor.

8 **(d) “Supine restraint” means a restraint in which a student is held face up on the floor.**

9 **SECTION 3.** ORS 339.291 is amended to read:

10 339.291. [(1)(a) *Physical restraint or seclusion may be used on a student in a public education*
 11 *program only if:*]

12 [(A) *The student’s behavior imposes a reasonable threat of imminent, serious bodily injury to the*
 13 *student or others; and]*

14 [(B) *Less restrictive interventions would not be effective.*]

15 [(b) (1) [*Physical*] Restraint or seclusion may not be used for discipline, punishment, **retaliation**
 16 or convenience of personnel, **contractors or volunteers** of [*the*] a public education program.

17 **(2)(a) Restraint may be used on a student in a public education program only under the**
 18 **following circumstances:**

19 **(A) The student’s behavior imposes a reasonable risk of imminent and substantial phys-**
 20 **ical or bodily injury to the student or others; and**

21 **(B) Less restrictive interventions would not be effective.**

22 **(b) Seclusion may be used on a student in a public education program only under the**
 23 **following circumstances:**

24 **(A) The student’s behavior imposes a reasonable risk of imminent and serious bodily in-**
 25 **jury to the student or others; and**

26 **(B) Less restrictive interventions would not be effective.**

27 [(2) (3) If [*physical*] restraint or seclusion is used on a student, the [*physical*] restraint or se-
 28 clusion must be:

29 (a) Used only for as long as the student’s behavior poses a reasonable [*threat of imminent, seri-*
 30 *ous bodily injury to the student or others*] **risk as described in subsection (2) of this section;**

31 (b) Imposed by personnel of the public education program who are:

32 (A) Trained to use [*physical*] restraint or seclusion through programs described in ORS 339.300;
 33 or

34 (B) Otherwise available in the case of an emergency circumstance when personnel described in
 35 subparagraph (A) of this paragraph are not immediately available due to the unforeseeable nature
 36 of the emergency circumstance; and

37 (c) Continuously monitored by personnel of the public education program for the duration of the
 38 [*physical*] restraint or seclusion.

39 [(3) (4) In addition to the requirements described in subsection [(2) (3) of this section, if
 40 [*physical*] restraint or seclusion continues for more than 30 minutes:

41 (a) The student must be provided with adequate access to the bathroom and water every 30
 42 minutes;

43 (b) Personnel of the public education program must immediately attempt to verbally or elec-
 44 tronically notify a parent or guardian of the student; and

45 (c) Every 15 minutes after the first 30 minutes of the [*physical*] restraint or seclusion, an ad-

1 administrator for the public education program must provide written authorization for the continuation
2 of the *[physical]* restraint or seclusion, including providing documentation for the reason the *[phys-*
3 *ical]* restraint or seclusion must be continued.

4 **SECTION 4.** ORS 339.294 is amended to read:

5 339.294. (1) Each entity that has jurisdiction over a public education program must establish
6 procedures for the public education program to follow after an incident involving the use of
7 *[physical]* restraint or seclusion.

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

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

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

13 (A) A description of the *[physical]* restraint or seclusion, including:

14 (i) The date of the *[physical]* restraint or seclusion;

15 (ii) The times when the *[physical]* restraint or seclusion began and ended; and

16 (iii) The location of the *[physical]* restraint or seclusion.

17 (B) A description of the student's activity that prompted the use of *[physical]* restraint or se-
18 clusion.

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

21 (D) The names of the personnel of the public education program who administered the
22 *[physical]* restraint or seclusion.

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

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

28 (3) If the personnel of the public education program who administered the *[physical]* restraint
29 or seclusion had not received training as provided by ORS 339.300, the administrator of the public
30 education program shall ensure that a parent or guardian of the student and the district super-
31 intendent receive written notification of:

32 (a) The lack of training; and

33 (b) The reason the *[physical]* restraint or seclusion was administered by a person without
34 training.

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

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

40 (5) If a student is involved in five incidents in a school year involving *[physical]* restraint or
41 seclusion, a team consisting of personnel of the public education program and a parent or guardian
42 of the student must be formed for the purposes of reviewing and revising the student's behavior plan
43 and ensuring the provision of any necessary behavioral supports.

44 (6) If serious bodily injury or death of a student occurs in relation to the use of *[physical]* re-
45 straint or seclusion, written notification of the incident must be provided within 24 hours of the

1 incident to the Department of Human Services.

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

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

8 **SECTION 5.** ORS 339.297 is amended to read:

9 339.297. (1) Each entity that has jurisdiction over a public education program must prepare and
 10 submit to the *[Superintendent of Public Instruction]* **Department of Education** an annual report
 11 detailing the use of *[physical]* restraint and seclusion for the preceding school year, including, at a
 12 minimum:

13 (a) The total number of incidents involving *[physical]* restraint.

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

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

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

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

19 (f) The total number of students placed in seclusion.

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

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

25 (i) The number of incidents in which the personnel of the public education program administer-
 26 ing *[physical]* restraint or seclusion were not trained as provided by ORS 339.300.

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

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

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

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

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

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

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

40 **(3) A public education provider that does not comply with the requirement to submit a**
 41 **report to the Department of Education under subsection (1) of this section or to make the**
 42 **report available as described in subsection (2) of this section is considered nonstandard under**
 43 **ORS 327.103.**

44 **SECTION 6.** ORS 339.300 is amended to read:

45 339.300. The Department of Education shall approve training programs in *[physical]* restraint

1 and seclusion that:

2 (1) Teach evidence-based techniques that are shown to be effective in the prevention and safe
3 use of [*physical*] restraint or seclusion;

4 (2) Provide evidence-based skills training related to positive behavior support, conflict pre-
5 vention, de-escalation and crisis response techniques; and

6 (3) Are consistent with the philosophies, practices and techniques for [*physical*] restraint and
7 seclusion that are established by rule or policy of the Department of Human Services.

8 **SECTION 7.** ORS 161.205 is amended to read:

9 161.205. The use of physical force upon another person that would otherwise constitute an of-
10 fense is justifiable and not criminal under any of the following circumstances:

11 (1)(a) A parent, guardian or other person entrusted with the care and supervision of a minor or
12 an incompetent person may use reasonable physical force upon such minor or incompetent person
13 when and to the extent the person reasonably believes it necessary to maintain discipline or to
14 promote the welfare of the minor or incompetent person.

15 (b) Personnel of a public education program, as that term is defined in ORS 339.285, may use
16 reasonable physical force upon a student when and to the extent the application of force is con-
17 sistent with ORS [339.291] **339.285 to 339.303**.

18 (2) An authorized official of a jail, prison or correctional facility may use physical force when
19 and to the extent that the official reasonably believes it necessary to maintain order and discipline
20 or as is authorized by law.

21 (3) A person responsible for the maintenance of order in a common carrier of passengers, or a
22 person acting under the direction of the person, may use physical force when and to the extent that
23 the person reasonably believes it necessary to maintain order, but the person may use deadly phys-
24 ical force only when the person reasonably believes it necessary to prevent death or serious physical
25 injury.

26 (4) A person acting under a reasonable belief that another person is about to commit suicide
27 or to inflict serious physical self-injury may use physical force upon that person to the extent that
28 the person reasonably believes it necessary to thwart the result.

29 (5) A person may use physical force upon another person in self-defense or in defending a third
30 person, in defending property, in making an arrest or in preventing an escape, as hereafter pre-
31 scribed in chapter 743, Oregon Laws 1971.

32 **SECTION 8.** ORS 339.250 is amended to read:

33 339.250. (1) Public school students shall comply with rules for the government of such schools,
34 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' au-
35 thority.

36 (2) Each district school board shall adopt written policies for the discipline, suspension or ex-
37 pulsion of any refractory student. The policies:

38 (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited
39 to:

40 (A) Willful disobedience;

41 (B) Open defiance of the authority of a school employee;

42 (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;

43 (D) Use or display of profane or obscene language;

44 (E) Willful damage or injury to school property;

45 (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;

- 1 (G) Assault of a school employee or another student; or
- 2 (H) Intentional attempts, by word or conduct, to place a school employee or another student in
3 fear of imminent serious physical injury.
- 4 (b) Must require consideration of the age of a student and the past pattern of behavior of a
5 student prior to imposing the suspension or expulsion of a student.
- 6 (c) Must limit the use of expulsion to the following circumstances:
- 7 (A) For conduct that poses a threat to the health or safety of students or school employees;
- 8 (B) When other strategies to change student conduct have been ineffective, except that expul-
9 sion may not be used to address truancy; or
- 10 (C) When the expulsion is required by law.
- 11 (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who
12 is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the fol-
13 lowing circumstances:
- 14 (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
- 15 (B) When a school administrator determines, based upon the administrator's observation or upon
16 a report from a school employee, that the student's conduct poses a direct threat to the health or
17 safety of students or school employees; or
- 18 (C) When the suspension or expulsion is required by law.
- 19 (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this sub-
20 section, must require the school district to take steps to prevent the recurrence of the behavior that
21 led to the out-of-school suspension and return the student to a classroom setting so that the dis-
22 ruption of the student's academic instruction is minimized.
- 23 (f) Must be limited so that:
- 24 (A) The duration of an expulsion may not be more than one calendar year.
- 25 (B) The duration of a suspension may not be more than 10 school days.
- 26 (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours
27 as an alternative to suspension if the total number of hours does not exceed the equivalent of 10
28 school days.
- 29 (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school
30 district shall develop a student handbook, code of conduct or other document that:
- 31 (a) Defines and helps create a learning environment that students respect;
- 32 (b) Defines acceptable norms of behavior for students and the types of behavior that are subject
33 to discipline;
- 34 (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety
35 of students or employees of the school;
- 36 (d) Establishes a system of consequences that are designed to correct student misconduct and
37 promote behavior within acceptable norms; and
- 38 (e) Makes the system of consequences known to the school community through the dissemination
39 of information to students, parents, legal guardians and school district employees.
- 40 (4) Each district school board shall adopt written policies on managing students who threaten
41 violence or harm in public schools. The policies adopted by a district school board under this section
42 shall include all of the following:
- 43 (a) Staff reporting methods.
- 44 (b) Provisions that allow an administrator to consider and implement any of the following
45 options:

1 (A) Immediately removing from the classroom setting any student who has threatened to injure
2 another person or to severely damage school property.

3 (B) Placing the student in a setting where the behavior will receive immediate attention, in-
4 cluding, but not limited to, the office of the school principal, vice principal, assistant principal,
5 counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or
6 the office of any licensed mental health professional.

7 (C) Requiring that a school obtain an evaluation of a student by a licensed mental health pro-
8 fessional before allowing the student to return to the classroom setting. A student who is removed
9 from the classroom setting for an evaluation may not be removed for more than 10 school days un-
10 less the administrator is able to show good cause that an evaluation could not be completed in that
11 time period. The policy must describe the circumstances under which the district school board may
12 enter into contracts with licensed mental health professionals to perform any evaluations required
13 under this subparagraph.

14 (c) The requirement that an administrator provide to the parent or legal guardian of the student
15 notification that describes the student's behavior and the school's response.

16 (d) A provision for the allocation of any funds necessary for the school district to implement the
17 policies described in this subsection.

18 (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school
19 board shall ensure that the policy is designed to:

20 (a) Protect students and school employees from harm;

21 (b) Provide opportunities for students to learn from their mistakes;

22 (c) Foster positive learning communities;

23 (d) Keep students in school and attending class;

24 (e) Impose disciplinary sanctions without bias against students from a protected class, as defined
25 in ORS 339.351;

26 (f) Implement a graduated set of age-appropriate responses to misconduct that are fair,
27 nondiscriminatory and proportionate in relation to each student's individual conduct;

28 (g) Employ a range of strategies for prevention, intervention and discipline that take into ac-
29 count a student's developmental capacities and that are proportionate to the degree and severity
30 of the student's misbehavior;

31 (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction
32 or instruction combined with counseling for the student that are appropriate and accessible to the
33 student in the following circumstances:

34 (A) Following a second or subsequent occurrence within any three-year period of a severe dis-
35 ciplinary problem with the student; or

36 (B) When a parent or legal guardian applies for the student's exemption from compulsory at-
37 tendance on a semiannual basis as provided in ORS 339.030 (2);

38 (i) To the extent practicable, use approaches that are shown through research to be effective in
39 reducing student misbehavior and promoting safe and productive social behavior; and

40 (j) Ensure that school conduct and discipline codes comply with all state and federal laws con-
41 cerning the education of students with disabilities.

42 (6) Except for policies adopted under subsection (7) of this section, any policies adopted under
43 this section must provide for the dissemination of information about alternative programs of in-
44 struction or instruction combined with counseling, as described in subsection (5)(h) of this section,
45 in writing to the student and the parent, legal guardian or person in parental relationship with the

1 student at least once every six months, unless the information has changed because of the avail-
2 ability of new programs.

3 (7) Each district school board shall adopt a written policy involving firearms, as defined in 18
4 U.S.C. 921. The policy shall:

5 (a) Require expulsion from school for a period of not less than one year of any student who is
6 determined to have:

7 (A) Brought a firearm to a school, to school property under the jurisdiction of the school district
8 or to an activity under the jurisdiction of the school district;

9 (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction
10 of the school district or at an activity under the jurisdiction of the school district; or

11 (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity adminis-
12 tered by a voluntary organization.

13 (b) Allow exceptions:

14 (A) For courses, programs and activities approved by the school district that are conducted on
15 school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps
16 programs, firearm-related sports or firearm-related vocational courses; and

17 (B) Identified by and adopted by the State Board of Education by rule.

18 (c) Allow a superintendent of a school district to:

19 (A) Modify the expulsion requirement for a student on a case-by-case basis.

20 (B) Propose alternative programs of instruction or instruction combined with counseling for a
21 student that are appropriate and accessible to the student. If alternative programs are appropriate
22 for a student, the superintendent shall ensure that information about programs of instruction or in-
23 struction combined with counseling is provided in writing to the student and the parent, legal
24 guardian or person in parental relationship with the student at least once every six months, or at
25 any time the information changes because of the availability of new programs.

26 (d) Require a referral to the appropriate law enforcement agency of any student who is expelled
27 under this subsection.

28 (e) Require an annual reporting to the Department of Education of the name of each school that
29 had an expulsion under this subsection and the number of students expelled from each school.

30 (8) Each district school board shall adopt and disseminate written policies for the use of physical
31 force upon a student. The policies must allow an individual who is a teacher, administrator, school
32 employee or school volunteer to use reasonable physical force upon a student when and to the ex-
33 tent the application of force is consistent with ORS [339.291] **339.285 to 339.303**.

34 (9)(a) The authority to discipline a student does not authorize the infliction of corporal punish-
35 ment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public
36 charter school or the Department of Education that permits or authorizes the infliction of corporal
37 punishment upon a student is void and unenforceable.

38 (b) As used in this subsection:

39 (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of,
40 physical pain on a student.

41 (B) "Corporal punishment" does not include:

42 (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

43 (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition
44 or other such recreational activity, voluntarily engaged in by a student.

45 (10) For purposes of this section, calculations of the number of school days that a student is

1 removed from a classroom setting shall be as follows:

2 (a) As a half day if the student is out of school for half, or less than half, of the scheduled school
3 day; and

4 (b) As a full day if the student is out of school for more than half of the scheduled school day.

5 **SECTION 9. This 2019 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
7 **July 1, 2019.**

8
