

SENATE AMENDMENTS TO SENATE BILL 1024

By COMMITTEE ON HUMAN SERVICES

March 21

- 1 On page 6 of the printed bill, delete lines 9 through 45.
- 2 On page 7, delete lines 1 through 22 and insert:
- 3 “**SECTION 3.** ORS 339.294 is amended to read:
- 4 “339.294. (1) Each entity that has jurisdiction over a public education program must establish
- 5 procedures for the public education program to follow after an incident involving the use of re-
- 6 straint or seclusion.
- 7 “(2) Following an incident involving the use of restraint or seclusion, the following must be
- 8 provided to a parent or guardian of the student:
- 9 “(a) Verbal or electronic notification of the incident by the end of the school day when the in-
- 10 cident occurred.
- 11 “(b) Written documentation of the incident within 24 hours of the incident that provides:
- 12 “(A) A description of the restraint or seclusion, including:
- 13 “(i) The date of the restraint or seclusion;
- 14 “(ii) The times when the restraint or seclusion began and ended; and
- 15 “(iii) The location of the restraint or seclusion.
- 16 “(B) A description of the student’s activity that prompted the use of restraint or seclusion.
- 17 “(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion
- 18 that were attempted.
- 19 “(D) The names of the personnel of the public education program who administered the restraint
- 20 or seclusion.
- 21 “(E) A description of the training status of the personnel of the public education program who
- 22 administered the restraint or seclusion, including any information that may need to be provided to
- 23 the parent or guardian under subsection (3) of this section.
- 24 “(c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this
- 25 section and the parent’s or guardian’s right to attend the meeting.
- 26 “**(d) Immediate, written notification of the existence of a record described in subsection**
- 27 **(9) of this section.**
- 28 “(3) If the personnel of the public education program who administered the restraint or seclusion
- 29 had not received training as provided by ORS 339.300, the administrator of the public education
- 30 program shall ensure that a parent or guardian of the student and the district superintendent re-
- 31 ceive written notification of:
- 32 “(a) The lack of training; and
- 33 “(b) The reason the restraint or seclusion was administered by a person without training.
- 34 “(4)(a) A debriefing meeting related to the use of restraint or seclusion must be held within two
- 35 school days of the incident and must include all personnel of the public education program who were

1 involved in the incident and any other appropriate personnel.

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

4 “(5) If a student is involved in five incidents in a school year involving restraint or seclusion,
5 a team consisting of personnel of the public education program and a parent or guardian of the
6 student must be formed for the purposes of reviewing and revising the student’s behavior plan and
7 ensuring the provision of any necessary behavioral supports.

8 “(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or
9 seclusion[,]:

10 **“(a) Oral notification of the incident must be provided immediately to a parent or
11 guardian of the student and to the Department of Human Services; and**

12 **“(b) Written notification of the incident must be provided within 24 hours of the incident to the
13 department [of Human Services].**

14 “(7) If serious bodily injury or death of personnel of the public education program occurs in
15 relation to the use of restraint or seclusion, written notification of the incident must be provided
16 within 24 hours of the incident to the district superintendent, **to the Superintendent of Public
17 Instruction** and, if applicable, to the union representative for the affected party.

18 “(8) [Each] A public education program [must] **shall** maintain a record of each incident in which
19 injuries or death occurs in relation to the use of restraint or seclusion.

20 **“(9)(a) A public education program shall preserve, and may not destroy, any records re-
21 lated to an incident of restraint or seclusion, including an audio or video recording. The re-
22 cords must be preserved in the original format and without any alteration.**

23 **“(b) The public education program shall review any audio or video recording preserved
24 under this subsection at the debriefing meeting described in subsection (4) of this section.**

25 **“(10)(a) At the request of a student’s parent or guardian, a public education program
26 shall disclose records preserved under this section to the parent or guardian. To the extent
27 practicable without altering the meaning of the record, the public education program shall
28 segregate or redact from a record disclosed under this paragraph any personally identifiable
29 information of other students. If the public education program is unable to segregate or
30 redact personally identifiable information of other students without altering the meaning of
31 the record, the public education program shall disclose the record to the student’s parent
32 or guardian in its original format and without any alteration.**

33 **“(b) If the department is investigating the incident of restraint or seclusion as suspected
34 child abuse, at the request of the department, the public education program shall disclose
35 to the department or the department’s designee any records preserved under this section
36 that are relevant to the department’s investigation. The public education program shall dis-
37 close any record under this paragraph in its original format and without any alteration.”.**