

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1024**

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
5 program must establish procedures for the public education program to fol-
6 low after an incident involving the use of restraint or seclusion.

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

9 “(a) Verbal or electronic notification of the incident by the end of the
10 school day when the incident occurred.

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

13 “(A) A description of the restraint or seclusion, including:

14 “(i) The date of the restraint or seclusion;

15 “(ii) The times when the restraint or seclusion began and ended; and

16 “(iii) The location of the restraint or seclusion.

17 “(B) A description of the student’s activity that prompted the use of re-
18 straint or seclusion.

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

21 “(D) The names of the personnel of the public education program who

1 administered the restraint or seclusion.

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

6 “(c) Timely notification of a debriefing meeting to be held as provided by
7 subsection (4) of this section and the parent’s or guardian’s right to attend
8 the meeting.

9 **“(d) Immediate, written notification of the existence of a record**
10 **described in subsection (9) of this section.**

11 “(3) If the personnel of the public education program who administered
12 the restraint or seclusion had not received training as provided by ORS
13 339.300, the administrator of the public education program shall ensure that
14 a parent or guardian of the student and the district superintendent receive
15 written notification of:

16 “(a) The lack of training; and

17 “(b) The reason the restraint or seclusion was administered by a person
18 without training.

19 “(4)(a) A debriefing meeting related to the use of restraint or seclusion
20 must be held within two school days of the incident and must include all
21 personnel of the public education program who were involved in the incident
22 and any other appropriate personnel.

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

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

30 “(6) If serious bodily injury or death of a student occurs in relation to the

1 use of restraint or seclusion[,]:

2 **“(a) Oral notification of the incident must be provided immediately**
3 **to a parent or guardian of the student and to the Department of Hu-**
4 **man Services; and**

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

7 **“(7) If serious bodily injury or death of personnel of the public education**
8 **program occurs in relation to the use of restraint or seclusion, written no-**
9 **tification of the incident must be provided within 24 hours of the incident**
10 **to the district superintendent, to the Superintendent of Public Instruc-**
11 **tion and, if applicable, to the union representative for the affected party.**

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

15 **“(9)(a) A public education program shall preserve, and may not de-**
16 **stroy, any records related to an incident of restraint or seclusion, in-**
17 **cluding an audio or video recording. The records must be preserved in**
18 **the original format and without any alteration.**

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

22 **“(10)(a) At the request of a student’s parent or guardian, a public**
23 **education program shall disclose records preserved under this section**
24 **to the parent or guardian. To the extent practicable without altering**
25 **the meaning of the record, the public education program shall segre-**
26 **gate or redact from a record disclosed under this paragraph any per-**
27 **sonally identifiable information of other students. If the public**
28 **education program is unable to segregate or redact personally iden-**
29 **tifiable information of other students without altering the meaning**
30 **of the record, the public education program shall disclose the record**

1 to the student's parent or guardian in its original format and without
2 any alteration.

3 “(b) If the department is investigating the incident of restraint or
4 seclusion as suspected child abuse, at the request of the department,
5 the public education program shall disclose to the department or the
6 department's designee any records preserved under this section that
7 are relevant to the department's investigation. The public education
8 program shall disclose any record under this paragraph in its original
9 format and without any alteration.”.

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