

SB 995-2  
(LC 1258)  
3/15/23 (HRL/ps)

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO  
SENATE BILL 995**

1 On page 1 of the printed bill, line 3, delete “, 339.300 and 419B.005” and  
2 insert “and 339.300”.

3 Delete lines 16 through 21 and insert:

4 “(1) That the Department of Education shall approve up to three na-  
5 tionally recognized training programs that train and certify personnel on  
6 crisis intervention, de-escalation and the emergency use of physical restraint.  
7 Each approved program must meet the training standards and certification  
8 requirements adopted under ORS 418.529 and at least two of the programs  
9 must be administered by providers designated by the Department of Human  
10 Services under ORS 418.529 (1)(b). Only a program under this subsection may  
11 be used to satisfy the training and certification requirements of ORS 339.285  
12 to 339.303.”.

13 On page 2, delete lines 3 through 45 and delete pages 3 and 4.

14 On page 5, delete lines 1 through 10 and insert:

15 **“SECTION 2.** ORS 339.291 is amended to read:

16 “339.291. (1) Restraint or seclusion may not be used for discipline, pun-  
17 ishment, retaliation or convenience of personnel, contractors or volunteers  
18 of a public education program.

19 “(2)(a) Restraint may be used on a student in a public education program  
20 only under the following circumstances:

21 “(A) The student’s behavior imposes a reasonable risk of imminent and

1 substantial physical or bodily injury to the student or others; and

2 “(B) Less restrictive interventions would not be effective.

3 “(b) Seclusion may be used on a student in a public education program  
4 only under the following circumstances:

5 “(A) The student’s behavior imposes a reasonable risk of imminent and  
6 serious bodily injury to the student or others; and

7 “(B) Less restrictive interventions would not be effective.

8 “(3) If restraint or seclusion is used on a student, the restraint or seclu-  
9 sion must be:

10 “(a) Used only for as long as the student’s behavior poses a reasonable  
11 risk as described in subsection (2) of this section;

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

13 “[*(A) Trained to use restraint or seclusion through programs described in*  
14 *ORS 339.300; or]*

15 “**(A) Currently certified regarding the use of restraint and seclusion**  
16 **by a currently certified trainer authorized by a training program ap-**  
17 **proved under ORS 339.300 (1); or**

18 “(B) Otherwise available in the case of an emergency circumstance when  
19 personnel described in subparagraph (A) of this paragraph are not imme-  
20 diately available due to the unforeseeable nature of the emergency circum-  
21 stance; and

22 “(c) Continuously monitored by personnel of the public education program  
23 for the duration of the restraint or seclusion.

24 “(4) In addition to the requirements described in subsection (3) of this  
25 section, if restraint or seclusion continues for more than 30 minutes:

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

28 “(b) Personnel of the public education program must immediately attempt  
29 to verbally or electronically notify a parent or guardian of the student; and

30 “(c) Every 15 minutes after the first 30 minutes of the restraint or seclu-

1 sion, an administrator for the public education program must provide written  
2 authorization for the continuation of the restraint or seclusion, including  
3 providing documentation for the reason the restraint or seclusion must be  
4 continued.

5 **SECTION 3.** ORS 339.294 is amended to read:

6 “339.294. (1) Each entity that has jurisdiction over a public education  
7 program must establish procedures for the public education program to fol-  
8 low after an incident involving the use of restraint or seclusion.

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

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

13 “(b) Written documentation of the incident within 24 hours of the incident  
14 that provides:

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

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

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

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

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

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

23 “(D) The names of the personnel of the public education program who  
24 administered the restraint or seclusion.

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

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

1 the meeting.

2 “(3) If the personnel of the public education program who administered  
3 the restraint or seclusion [*had not received training as provided by ORS*  
4 *339.300*] **is not currently certified regarding the use of restraint and**  
5 **seclusion through a program approved under ORS 339.300 (1)**, the ad-  
6 ministrator of the public education program shall ensure that a parent or  
7 guardian of the student, [*and*] the district superintendent **and the Depart-**  
8 **ment of Education** receive written notification of:

9 “(a) The lack of [*training*] **certification**; and

10 “(b) The reason the restraint or seclusion was administered by [*a person*  
11 *without training*] **personnel who is not currently certified.**

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

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

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

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

25 “(a) **Oral notification of the incident must be provided immediately**  
26 **to the parent of the student and to the Department of Human Ser-**  
27 **vices; and**

28 “(b) Written notification of the incident must be provided within 24 hours  
29 of the incident to **the parent of the student and** the Department of Human  
30 Services.

1 “(7) If serious bodily injury or death of personnel of the public education  
2 program occurs in relation to the use of restraint or seclusion, written no-  
3 tification of the incident must be provided within 24 hours of the incident  
4 to:

5 “(a) **The Superintendent of Public Instruction;**

6 “(b) The district superintendent [*and*,]; **and**

7 “(c) If applicable, to the union representative for the affected party.

8 “(8) Each public education program must maintain a record of each inci-  
9 dent in which injuries or death occurs in relation to the use of restraint or  
10 seclusion.

11 “**SECTION 4.** ORS 339.297 is amended to read:

12 “339.297. (1) Each entity that has jurisdiction over a public education  
13 program must prepare and submit to the Department of Education an annual  
14 report detailing the use of restraint and seclusion for the preceding school  
15 year, including, at a minimum:

16 “(a) The total number of incidents involving restraint.

17 “(b) The total number of incidents involving seclusion.

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

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

22 “(e) The total number of students placed in restraint.

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

24 “(g) **The total number of students placed in both restraint and se-**  
25 **clusion.**

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

28 “[*h*] (i) The number of students who were placed in restraint or seclu-  
29 sion more than 10 times in the course of a school year and an explanation  
30 of what steps have been taken by the public education program to decrease

1 the use of restraint and seclusion for each student.

2 “[*(i)*] **(j)** The number of incidents in which the personnel of the public  
3 education program administering restraint or seclusion were not [*trained as*  
4 *provided by ORS 339.300*] **currently certified regarding the use of re-**  
5 **straint and seclusion through a training program approved under ORS**  
6 **339.300 (1).**

7 “[*(j)*] **(k)** The demographic characteristics of all students upon whom re-  
8 straint or seclusion was imposed, including race, ethnicity, gender, disability  
9 status, migrant status, English proficiency and status as economically dis-  
10 advantaged, unless the demographic information would reveal personally  
11 identifiable information about an individual student.

12 “(2)(a) Each entity that has jurisdiction over a public education program  
13 shall make its annual report about restraint and seclusion available to:

14 “(A) The public at the entity’s main office and the website of the entity;

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

16 “(C) If the entity is an education service district, the component school  
17 districts of the education service district; and

18 “(D) If the entity is a public charter school, the sponsor of the public  
19 charter school.

20 “(b) Parents and guardians of students in a public education program  
21 shall be advised at least once each school year about how to access the re-  
22 port.

23 “(3) A public education provider that does not comply with the require-  
24 ment to submit a report to the Department of Education under subsection (1)  
25 of this section or to make the report available as described in subsection (2)  
26 of this section is considered nonstandard under ORS 327.103.

27 “**(4) The department shall make available on the department’s**  
28 **webpage all reports received under subsection (1) of this section.”.**

29 On page 5, delete lines 20 through 45 and delete pages 6 through 11 and  
30 insert:

