

Executive Numbered Memo 002-2013-14 - House Bill 2756 Seclusion Cells

To: All School District Superintendents and Special Education Directors
From: Sarah Drinkwater, Assistant Superintendent, Office of Learning
Re: House Bill 2756 – Seclusion Cells

House Bill 2756 required public education providers to remove all seclusion cells from the premises of a school prior to September 1, 2013. HB 2756 also prohibits public education providers from purchasing, building or otherwise taking possession of seclusion cells.

Oregon law allows for the seclusion or restraint of a student if deemed necessary to help the student regain self-control and ensure the safety of the student and those around him/her. See Section 1 to 6, chapter 665, Oregon Laws 2011. Seclusion is one of many strategies school staff may employ to help a student regain self-control and a technical assistance manual on restraint and seclusion can be found on the ODE website

at: http://www.ode.state.or.us/opportunities/grants/nclb/title_iv/a_drugfree/6_6draft_guidelines12_tarestraintseclusion-no56.pdf PDF.

Seclusion is a practice, not a location, and seclusion can occur anywhere a student, who is out of control or presenting imminent risk of serious bodily injury to self or others, is placed or kept. This could be an empty classroom or other safe space. Seclusion occurs when these two criteria are met: 1) the student is alone or isolated in a room and 2) prevented from leaving and/or has the perception that s/he is prevented from leaving the room.

During the 2013 session, the Oregon Legislature passed House Bill 2756 which prohibits public education programs from purchasing, building, possessing and using “seclusion cells” or “freestanding” units built and used for the seclusion of students. The bill required the immediate dismantling and removal of “seclusion cells” from classrooms by July 1, 2013 and the removal from the school or public education program’s premises by September 1, 2013. The new law does not prohibit the use of seclusion in public education programs to assist with helping a student regain self-control; it simply bans the use of seclusion cells.

Specifically, House Bill 2756 includes the following:

- The bill applies to all public education programs meaning a program that:
 - Is for students in early childhood education, elementary school or secondary school;
 - Is under the jurisdiction of a school district, an education service district or another educational institution or program; and
 - Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.
- Seclusion means the student is physically prevented from leaving the unit or room, or believes they are prevented from leaving; and the student is alone or isolated from other students.
- Public education programs may not purchase, build or otherwise take possession of a seclusion cell; and may not use a seclusion cell.
- Seclusion cell is defined as a freestanding, self-contained unit, whether attached to the wall or not.
- Nothing prevents a public education program from using seclusion as allowed under sections 1 to 6, chapter 665, Oregon Laws 2011.
- Public education programs must ensure that all seclusion cells are removed from the classroom by July 1, 2013; and must remove seclusion cells from the premises of the public education program no later than September 1, 2013.

For more information, see HB 2756-A at the following link: <http://landru.leg.state.or.us/13reg/measures/hb2700.dir/hb2756.en.html>