

High Level Crosswalk of Legislation Impacting Restraint, Seclusion and Abuse of Children

SB 106: Abuse, Restraint and Seclusion alignment	SB 901: Subpoena Authority for ODHS	SB 769: Allegations of Abuse Against Children and Youth	SB 790: Updated Child Abuse Definition	SB 995: Training for Use of Restraint and Seclusion	SB 1024” Records of Restraint and Seclusion
Align definitions for restraint and seclusion regulations across ORS 418(CCA), ORS 419b (traditional abuse), ORS 339 (schools) and ORS 430.735 (DD)	Provides ODHS with subpoena authority to obtain records necessary to carrying out its duties to investigate reports of “3 rd party” child abuse	Clarifies universe of individuals who may be investigated for allegations of suspected abuse; limits this to parents and to individuals over 18	Adds restraint, seclusion and corporal punishment to child abuse statute in 419b	Requires Oregon public school programs to only use the restraint/seclusion trainings approved by Oregon DHS (currently CPI, Mandt and OIS)	Eliminates requirement for CCAs to provide copies of videos to parents, attorneys, etc. This responsibility shifts to ODHS
Improve definition of “not substantiated” from “no evidence that abuse occurred” to “upon investigation, evidence does not provide reasonable cause to believe abuse occurred”	Emergency clause	Prohibits finding a person disqualified in a background check based solely on a founded allegation of abuse when that abuse occurred before the person was 18 years old	Requires that when an allegation of abuse involving restraint, seclusion or neglect is substantiated, the school district be found responsible in certain circumstances instead of an individual staff person	Allows ODE to approve supplemental training programs on crisis response that do not include training on physical interventions	Directs ODHS to adopt rules related to the installation and use of audio and video recording equipment related to restraint and seclusion
Clarifies definition of child			Effective July 1, 2023	Requires staff to be certified in use of physical restraint before	Require school district to ensure audio, video or photographic record

				imposing physical restraint or being required to impose physical restraint	is not altered, destroyed, edited or concealed in any way
Clarify role of trained staff intervening to stop a fight in program regulated under 418b				Require immediate oral notification to parent and DHS if student is killed or experiences serious bodily injury as a result of the restraint or seclusion; and written notification to the parent within 24 hours	Immediately notify parent in writing when an audio or video recording exists of a restraint or seclusion
Eliminate requirement for investigators to review policies unrelated to an allegation of inappropriate use of restraint and seclusion				Require written notification of serious bodily injury or death to staff related to restraint or seclusion to Superintendent of Public Instruction, district superintendent and union representative within 24 hours	District must make audio, video or photographic record available for viewing at required debriefing meeting
Direct Department to adopt rules regarding assignment of responsibility for seclusion, restraint and neglect in congregate settings, including schools				Require immediate oral notification to Superintendent of Public Instruction, district superintendent and union representative if staff is killed or experiences serious bodily injury related to an incident of restraint or seclusion of a student	District must make audio, video or photographic record available to parent for viewing
Direct Department to adopt rules regarding investigation and interview process,				<i>Certification requirements effective 7/1/2024</i>	District must preserve the audio, video or photographic record in the student's record

including opportunity for youth/students and staff to be interviewed outside presence of district personnel and to have advocate (parent, attorney, union rep, etc) at interview					
Clarify role of ODHS when Law Enforcement also investigates				<i>Retain records of restraint/seclusion, including video records, for at least six months in unaltered format</i>	District must make video available to ODHS or law enforcement upon request for purposes of a child abuse or criminal investigation
Clarify applicability of restraint and seclusion regulations to non-education OYA and juvenile detention staff interacting with youth in education programs				<i>Requires district to disclose records to ODHS or person authorized by ODHS to conduct an investigation and the student's parent</i>	
Direct ODHS, in collaboration with OYA, to convene a workgroup to study the issue of child abuse investigations in OYA and detention settings and to make recommendations to the Legislature				<i>Allows ODHS to substantiate allegation against district in certain circumstances and directs ODE to find district nonstandard if 3 or more allegations against the district are substantiated in a 12-month period (Moving to SB 790)</i>	
Misc. additions to mandatory child abuse reporter list					

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