

SB 995 -2 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Iva Sokolovska, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/1, 3/27

WHAT THE MEASURE DOES:

Requires the State Board of Education to adopt rules for the training requirements for using restraint and seclusion of students. Said rules must direct the Department of Education (ODE) to approve a training program that teaches the use of restraint and seclusion only if the program is a nationally recognized and meets training and certification standards by the Department of Human Services (DHS) and provide standards to ODE for training program approval. Prohibits staff that is not certified by the specified training requirements to administer restraint or seclusion. Removes permission for staff to impose a restraint in the case of emergency if not certified. Requires written authorization from an administrator of a public education program for continuation of a restraint or seclusion for more than 10 minutes, at every 5 minutes. Adds ODE to list of entities administrator of public education program is directed to notify if an incident occurs in which the personnel administering the restraint or seclusion was not currently certified in the use of restraint and seclusion. Directs administrator of public education program to immediately notify DHS if the restraint or seclusion was administered in violation of current laws. Requires immediate oral notification to DHS and parent(s) if serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion. Requires written notification of parents(s) and Superintendent of Public Instruction of said incident. Specifies records need to be retained up to 6 months retention following an incident involving restraint or seclusion and make records available upon request. Requires each annual report detailing the use of restraint and seclusion for the preceding school year to contain the number of incidents in which the personnel of the public education program administering restraint or seclusion was not currently certified regarding the use of restraint and seclusion. Expands the definition of “abuse” to include violations of restraint or seclusion law. Permits DHS to find a public education program responsible for the abuse instead of, or in addition to, the personnel of the public education program who imposed the restraint or seclusion in certain circumstances.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

- De-escalation programs and training, access to certified trainers
- Aligning with Department of Human Services (DHS) standards and updating language
- Notification processes in cases of incidents
- Training requirements: approval by DHS then by Department of Education, removal of emergency exemptions, re-training staff
- Law enforcement involvement and record sharing
- Implications of holding an education program as responsible for abuse

EFFECT OF AMENDMENT:

-2 Removes the requirement of Department of Education (ODE) to approve training program in restraint and seclusion of student only if program is a nationally recognized program that has been designated by Department of Human Services as satisfying department’s certification requirements for use of restraint and seclusion. Requires ODE to approve 3 nationally recognized training programs that train and certify personnel on crisis

intervention, de-escalation and the emergency use of physical restraint. Removes the requirement for restraint and seclusion of student in public education program to be used only when imposed by certified personnel. Permits staff to impose a restraint in the case of emergency if not certified. Removes requirements for the administrator of a public education program to provide written authorization for the continuation of a restraint or seclusion lasting longer than 10 minutes. Removes written and oral notification requirements for public education programs when a restraint or seclusion were administered in violation of existing laws. Removes requirement to preserve and disclose upon request, records of incidents involving seclusion or restraint by a public education program. Requires personnel of public education programs permitted to impose a restraint or seclusion to be currently certified regarding the use of restraint and seclusion by a currently certified trainer authorized by a training program approved by the Department of Human Services. Requires written notification be provided to parents or guardians of the student, the district superintendent, and the Department of Education if a restraint or seclusion was administered by personnel not currently certified. Requires parents, DHS, and the Superintendent of Public Instruction be immediately notified if serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, specifies manner of notification. Requires annual reports to contain information on total number of students placed in restraint and seclusion and the number of incidents in which the personnel of the public education program administering restraint or seclusion were not currently certified. Requires ODE to make available all annual reports on their webpage.

BACKGROUND:

Oregon Law (ORS 419B.005) defines child abuse as negligent treatment or maltreatment of a child, any assault of a child and any physical injury to a child which has been caused by other than accidental means, any sexual abuse of a child, any mental injury to a child, threatened harm to a child or subjecting a child to a substantial risk of harm to the child's health or welfare, unlawful exposure to a controlled substance, buying or selling a person under 18 years of age, and permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured. [Senate Bill 963 \(2019\)](#) modified the restraint and seclusion laws in Oregon public education programs and defined restraint as "the restriction of a student's actions or movements by holding the student or using pressure or other means." Restraint is to be used only when the student's behavior "imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others" and "less restrictive interventions would not be effective." Senate Bill 963 also expanded the list of types of restraints that are prohibited. Staff may use physical restraints on students only if they have received appropriate training. Education programs must also report on the usage of restraints to parents, guardians, and the Oregon Department of Education. Public Education Programs are required to [report all disciplinary incidents](#) to the Oregon Department of Education.

Senate Bill 995 expands the definition of abuse to include the use of restraint and seclusion on students when in violation of existing laws. It also will require the Department of Education to approve a training program that teaches the use of restraint and seclusion only if the program is nationally recognized and meets certain training and certification standards.