

SB 1024 A STAFF MEASURE SUMMARY

Carrier: Sen. Weber

Senate Committee On Human Services**Action Date:** 03/15/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Gelser Blouin, Manning Jr, Prozanski, Robinson, Weber**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Iva Sokolovska, LPRO Analyst**Meeting Dates:** 3/6, 3/15**WHAT THE MEASURE DOES:**

Specifies that photographs, audio recordings, or video recordings immediately preceding, during, and following an incident, in which a reportable injury arises from restraint or involuntary seclusion, are to be maintained by child-caring agencies. Prohibits child-caring agencies and public education programs from destroying, editing, concealing, or altering records. Directs child-caring agencies to immediately provide the Department of Human Services (DHS) written notification of the incident and copies of any records. If requested, directs DHS to provide the child in care's attorney, court appointed special advocate, parents, or guardians with copies of the records. Directs DHS to adopt rules regarding the installation and use of video recording equipment in child-caring agencies. Requires public education programs to provide immediate oral notification to a parent or guardian of a student and DHS after an incident involving the use of restraint or seclusion and to disclose records to the parent or a guardian of a student upon request. Requires written notification within 24 hours to the Superintendent of Public Instruction in addition to the district superintendent and any union representatives. Directs, rather than requires, a public education program to maintain a record of each incident in which serious bodily injury or death of a student occurs due to restraint or seclusion. Requires public education program to redact records to protect anonymity of child if it does not alter the meaning of the record. Permits disclosure of specified records to DHS or DHS designee in suspected child abuse investigations.

ISSUES DISCUSSED:

- Current process of record keeping and notice in incidents involving the use of restraint or seclusion
- Records under the supervision of Department of Human Services
- Other legislation impacting restraint, seclusion, and abuse of children

EFFECT OF AMENDMENT:

Requires public education programs to provide immediate oral notification to a parent or a guardian of a student and the Department of Human Services (DHS) after an incident involving the use of restraint or seclusion. Requires written notification be provided within 24 hours to the Superintendent of Public Instruction in addition to the district superintendent and any union representatives. Directs, rather than requires, a public education program to maintain a record of each incident in which serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion. Requires public education programs to review any audio or video recording at debriefing meetings. Requires public education program to disclose records to the parent or a guardian of a student upon request. Requires public education program to redact record to protect anonymity of other students only if it does not alter the meaning of the record. Permits disclosure of original, unaltered record to DHS or DHS designee in suspected child abuse investigations.

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BACKGROUND:

Following an incident involving the use of restraint or seclusion, a public education program in Oregon must provide the following to a parent or guardian of the student: verbal or electronic notification of the incident by the end of the school day when the incident occurred and written documentation of the incident within 24 hours of the incident (ORS 339.294). The report of the incident must have a description of the restraint or seclusion, the date of the restraint or seclusion, the times when the restraint or seclusion began and ended, and location of the restraint or seclusion. The report must also include a description of the student's activity that prompted the use of restraint or seclusion, any efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted, and the names of the personnel of the public education program who administered the restraint or seclusion along with their training status. Similarly, child-caring agencies must have established procedures for children placed in a restraint or involuntary seclusion and maintain a record of each incident an injury occurs during the use of a restraint or involuntary seclusion (ORS 418.526). If a child is placed in a restraint or involuntary seclusion in violation of current law, the agency has to provide a verbal or electronic and a written notice of the incident.

Senate Bill 1024 A requires child-caring agencies and public education programs to keep records of photographs, audio recordings, or video recordings of incidents involving restraint or involuntary seclusion, make these records available upon request, send immediate notifications of the incident, and prohibits child-caring agencies and public education programs from destroying, editing, concealing or altering in any way said records.