

Joint Committee on Ways and Means

Carrier – Senate: Sen. Nelson

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the B-Engrossed Measure

Vote: 21 – 4 – 0

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant

Nays: McLane

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Johnson, Monroe, Nelson, Verger, Winters

Nays: Girod, Thomsen, Whitsett

Exc:

Prepared By: John Terpening, Legislative Fiscal Office

Meeting Date: June 15, 2011

WHAT THE MEASURE DOES: Prohibits use of mechanical restraint, chemical restraint or prone restraint on student in public education program. Allows reasonable use of physical restraint or seclusion on student in public education program under specific circumstances. Describes procedures to be followed if physical restraint or seclusion is used. Requires preparation of annual report related to use of physical restraint or seclusion. Directs Department of Education (ODE) to approve training programs in physical restraint and seclusion that meet Department of Human Services standards. Sunset June 30, 2017.

ISSUES DISCUSSED:

- Fiscal Impact of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: House Bill 2939-B offers protections for students in Oregon schools or youth services so that they are not physically or emotionally harmed by the inappropriate use of restraint or seclusion. The measure prohibits use of mechanical, chemical and prone restraint in public education programs. Additionally, the measure specifies the limited conditions under which physical restraint and seclusion may be used in public education programs and the reviews/notices/reports that must be given following the use of physical restraint or seclusion.

For the purposes of this measure, mechanical restraint refers to the use of a device to restrict student movement; chemical restraint refers to the use of drugs on students to control behavior; and prone restraint indicates a situation in which a student is restrained face down on the floor. Physical restraint is defined as the restriction of students' movements by one or more persons holding them. Seclusion refers to the involuntary confinement of students in rooms from which they are physically prevented from leaving.

House Bill 2939-B also specifies that physical restraint and seclusion training programs approved by ODE must meet the standards of the Department of Human Services. Physical restraint is an emergency response procedure, similar to CPR or first aid, which requires instruction and practice. Trainings in safe, effective and appropriate use of physical restraint, de-escalation and preventive strategies are intended to reduce injury or death to both students and personnel.