

SB 963 STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser**Senate Committee On Education**

Action Date: 03/18/19
Action: Do pass.
Vote: 5-0-0-0
Yeas: 5 - Gelser, Hass, Heard, Thomsen, Wagner
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Tamara Dykeman, LPRO Analyst
Meeting Dates: 3/18

WHAT THE MEASURE DOES:

Modifies permissible uses of restraint for students in public education programs. Adds supine restraints and other actions to list of prohibited restraints. Prohibits retaliation as a reason to use restraint or seclusion. Makes education providers that fail to comply with reporting requirements nonstandard under ORS 327.103. Declares emergency, effective July 1, 2019.

ISSUES DISCUSSED:

- Collaborative effort of stakeholders
- Interpretation of current law
- Disruptive behavior in classroom
- Statutory framework in Oregon and other states
- Restraint and seclusion impact on behavior
- Room clears
- Training on how to properly use restraints
- Types of restraints
- Use of prone and supine restraints
- General and special education classrooms
- Impact on learning time
- Reports of injuries
- Inability to address behavior issues and keep students safe under current restraint and seclusion laws

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2011, the legislature passed House Bill 2939 limiting the use of physical restraint and seclusion for students in Oregon schools and youth services. Oregon law defines physical restraint as the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student. Physical restraint does not include non-force touching or holding a student to direct or assist in a task or activity. Under current law, physical restraint is permitted when a student's behavior imposes a threat of serious bodily injury to the student or others and less restrictive interventions would not be effective. It may not be used for discipline, punishment, or convenience purposes. Staff may use physical restraints on students only if they have received appropriate training. In addition, Oregon law prohibits the use of mechanical, non-prescription chemical, and prone restraints. Education programs must also report on the usage of restraints to parents, guardians, and the Oregon Department of Education.

Senate Bill 963 clarifies what actions staff may take to direct, assist, or protect students. The measure permits staff to safely escort students, assist willing students to complete a task, or use minimal force to break up a fight,

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intervene to stop harmful behavior, or for self-protection. It prohibits staff from holding a student face up on the floor, using a door or wall to stop a student, placing pressure on a student's sensitive areas, retaliating against students, or taking any action designed to inflict pain. Additionally, the measure permits the Department of Education to determine that a school district is deficient and not eligible for state school funds if it fails to comply with restraint reporting requirements.