

SB 963 STAFF MEASURE SUMMARY

Carrier: Rep. Helt, Rep. Clem

House Committee On Education

Action Date: 05/08/19

Action: Do Pass.

Vote: 7-2-0-0

Yeas: 7 - Alonso Leon, Doherty, Helt, Hernandez, Neron, Reardon, Sollman

Nays: 2 - Reschke, Wallan

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Alethia Miller, LPRO Analyst

Meeting Dates: 4/10, 5/8

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:

- Use of supine restraint
- Alternative education programs in Multnomah Education Service District
- Impact of room clears
- Interpretation of current law by practitioners

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 modifies permissible use of restraint in schools. It 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.