

SB 790 Investigation Quarterly Report

July 2, 2024

Oregon Department of Human Services

Legislative Report
Oregon Department of Human Services
SB 790 Investigation Quarterly Report
to Interim Legislative Committees on Child Welfare
Reporting period: January 1, 2024 to March 31, 2024

Executive Summary

Senate Bill 790 (2023) expands the definition of abuse under ORS 419B.005 to include:

- (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303 or 339.308;
- (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

The bill also directs Oregon Department of Human Services (ODHS) to submit a quarterly report to the interim legislative committees on child welfare. The quarterly reports are for the purposes of legislative and public review and oversight of the quality and safety of education providers.

Information provided in this report contains:

- The name of the education provider where the department conducted the investigation;
- The approximate date the abuse occurred;
- The nature of the abuse and a brief narrative description of the abuse that occurred; and
- Whether a reportable injury, sexual abuse or death resulted from the abuse.

Investigations and Substantiated Allegations

Time Period: EDU Abuse Reports Closed from January 1, 2024 through March 31, 2024

Summary: 11 OTIS investigations with 21 substantiated allegations

Note:

- Section 13 directs this bill applies to incidents occurring on or after July 1, 2023, therefore any incidents occurring prior to that date are not included in this report.
- The outcome of the following reports could change upon appeal.

1			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU230145A Corporal Punishment	Sheridan High School	10/17/2023	10/18/2023
Nature of Abuse and Brief Narrative: One allegation of Corporal Punishment was founded against a school personnel (who is also the student's PSW) after the school personnel used a closed fist to hit the student on the buttocks for utilizing his iPad. A staff witness also saw the school personnel slap the student in the face on another occasion. There were no injuries		Did physical injury, sexual abuse or death result? No	

identified for either incident.			
2			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU230145B Wrongful Restraint	Sheridan High School	10/17/2023	10/18/2023
Nature of Abuse and Brief Narrative: One allegation of Wrongful Restraint was founded against a school personnel (who is also the student's PSW) as the school personnel held the student down by the arms and wrists, yelling in the student's face while the student struggled to free himself. The school personnel failed to attend required training on multiple occasions.		Did physical injury, sexual abuse or death result? No	
3			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU230145C Wrongful Restraint	Sheridan High School	10/17/2023	10/18/2023
Nature of Abuse and Brief Narrative: One allegation of Wrongful Restraint was founded against a school personnel (who is also the student's PSW) as the school personnel pinned the student on a table by laying over the student with her torso. The student did not pose a reasonable risk of imminent and substantial physical or bodily injury to himself or others. The school personnel failed to attend required training on multiple occasions.		Did physical injury, sexual abuse or death result? No	
4			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU230154A Wrongful Restraint	Wilson Elementary School	11/3/2023	11/3/2023
Nature of Abuse and Brief Narrative: One allegation of Wrongful Restraint was founded against a school personnel after the school personnel held a student down in his chair by his wrists which caused bruising. Although the school personnel was not CPI trained, she was advised not to perform any physical restraints until completing training and was to request staff assistance. Staff members were available to assist, however this school personnel did not request assistance. Additionally, the school personnel engaged in a physical restraint because the student would not pick up his toys.		Did physical injury, sexual abuse or death result? Yes-physical injury	

5			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU230170A Corporal Punishment	Cummings Elementary School	12/8/2023	12/11/2023
Nature of Abuse and Brief Narrative: One allegation of Corporal Punishment was founded against a school personnel after the school personnel grabbed an object out of the student's hand, the student kicked at the school personnel and the school personnel responded by kicking the student in the leg and yelling at the student.		Did physical injury, sexual abuse or death result? No	
6			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU230175B Wrongful Restraint	WyEast Middle School	11/7/2023	12/13/2023
Nature of Abuse and Brief Narrative: One allegation of Wrongful Restraint was founded against a school personnel after the school personnel attempted to keep a student from leaving the office area by grabbing and forcefully holding the student's upper arm leaving bruising on the student. Witnesses had to step in and instruct the school personnel to disengage.		Did physical injury, sexual abuse or death result? Yes-physical injury	
7			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU230177A Wrongful Restraint	Spring Mountain Elementary School	12/13/2023	12/13/2023
Nature of Abuse and Brief Narrative: One allegation of Wrongful Restraint was founded on a school personnel after the school personnel bear hugged a student, lifting the student off of the floor, then fell to the floor where the student continued struggling to escape. At one point the school personnel was seen covering the student's mouth with her hand because the student was using profanity.		Did physical injury, sexual abuse or death result? No	
8			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU230178A/B/C/D/E/F/G Wrongful Restraint	McKay High School	12/11/2023	12/11/2023
Nature of Abuse and Brief Narrative: Seven allegations of Wrongful Restraint were founded against seven different school personnel as the school personnel engaged in multiple prohibited restraints of a student when the student became escalated in her classroom. This led to the student being removed from the		Did physical injury, sexual abuse or death result? Undetermined-Physical Injury	

<p>classroom and restrained on the ground by seven adults.</p> <p>Throughout this incident both supine and prone restraints were used. The student would state she could not breathe, staff would dis-engage and immediately re-engage. The incident moved from the hallway to a stairwell and on to the stairs. When the student was released, she fled the school without her shoes as they had come off during the incident.</p> <p>All seven staff reported being trained in physical restraints, however failed to follow their training.</p>			
9			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU240006A Wrongful Restraint	Buckman Elementary School	1/5/2024	1/9/2024
Nature of Abuse and Brief Narrative: One allegation of Wrongful Restraint was founded on a school personnel after the school personnel restrained a youth in a prone position while sitting on top of him.		Did physical injury, sexual abuse or death result? No	
10			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU240013A Corporal Punishment	Helman Elementary School	1/16/2024	1/17/2024
Nature of Abuse and Brief Narrative: One allegation of Corporal Punishment was founded on a school personnel after the school personnel responded to a student asking a question in class by slapping the student in the face.		Did physical injury, sexual abuse or death result? No	
11			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU240017A Wrongful Restraint	Kathryn Jones Harrison Elementary School	1/11/2024	1/22/2024
Nature of Abuse and Brief Narrative: One allegation of Wrongful Restraint was founded on a school personnel. After a minor accident on a school bus a student became upset and slapped the school personnel. The school personnel responded by pushing the student against the wall of the school bus, forcefully holding the student, and spat in the student's face.		Did physical injury, sexual abuse or death result? No	
The student did not pose a risk of imminent and			

substantial physical or bodily injury, other less restrictive interventions were not utilized, and the use of a solid object is prohibited.			
12			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU240023A Wrongful Restraint	Rogue Primary School	1/24/2024	1/31/2024
Nature of Abuse and Brief Narrative: One allegation of Wrongful Restraint was founded on a school personnel after that school personnel applied a physical restraint (holding the student by the arm and controlling the student's movement) as the student was freely running around in the gymnasium. The student did not pose a risk of imminent and substantial physical or bodily injury, and other less restrictive interventions were not utilized.		Did physical injury, sexual abuse or death result? No	
13			
Report/ Allegation	Provider	Incident Date	Date Report Received
EDU240040A/C/D Wrongful Restraint	Willamette Education Service District	2/8/2024	2/16/2024
Nature of Abuse and Brief Narrative: Three allegations of Wrongful Restraint were founded on three school personnel after a student was placed in a "reset room" during which time multiple physical restraints occurred. Of concern, at one point one school personnel held the student up against a wall, another school personnel pinned the student's body and head against a corner wall, then utilized his right elbow to place pressure on the student's neck for approximately three seconds. A third school personnel placed her hand on the back of the student's head using pressure to push the student's head down and holding it in that position for several seconds.		Did physical injury, sexual abuse or death result? Yes-Physical Injury	



For additional information:

Contact Roberto Gutierrez
ODHS Government Relations Manager
roberto.gutierrez@odhs.oregon.gov
971-317-1265