

SB 1024 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/1

WHAT THE MEASURE DOES:

Specifies necessary contents of incident record for injuries to a child in the care of the Department of Human Services (DHS) due to the use of a restraint or involuntary seclusion, specifies reporting and disclosure of records requirements. Directs DHS to adopt rules regarding the installation and use of video recording equipment in a program. Modifies retention and availability of records for incidents involving the use of restraints or seclusion in public education programs.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

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 will require public education programs to provide immediate, written notification to the parent or guardian of the student if an incident involving the use of restraint or seclusion is recorded, intentionally or unintentionally, through a photograph, video recording, or audio recording. Senate Bill 1024 explicitly prohibits child-caring agencies from destroying, editing, concealing, or altering any photographs, audio recordings, or video recording of such incidents and direct the agencies to provide the materials to DHS immediately.