

SB 995 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/1

WHAT THE MEASURE DOES:

Requires the State Board of Education to adopt rules for the training requirements for using restraint and seclusion of students. Said rules must direct the Department of Education to approve a training program that teaches the use of restraint and seclusion only if the program is a nationally recognized and meets training and certification standards by the Department of Human Services (DHS). Prohibits staff that is not certified by the specified training requirements to administer restraint or seclusion. Specifies notification requirements and records retention when restraint or seclusion was administered in violation of current laws. Expands the definition of "abuse" to include violations of restraint or seclusion law. Permits DHS to find a public education program responsible for the abuse instead of, or in addition to, the personnel of the public education program who imposed the restraint or seclusion in certain circumstances.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon Law (ORS 419B.005) defines child abuse as negligent treatment or maltreatment of a child, any assault of a child and any physical injury to a child which has been caused by other than accidental means, any sexual abuse of a child, any mental injury to a child, threatened harm to a child or subjecting a child to a substantial risk of harm to the child's health or welfare, unlawful exposure to a controlled substance, buying or selling a person under 18 years of age, and permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured. [Senate Bill 963 \(2019\)](#) modified the restraint and seclusion laws in Oregon public education programs and defined restraint as "the restriction of a student's actions or movements by holding the student or using pressure or other means." Restraint is to be used only when the student's behavior "imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others" and "less restrictive interventions would not be effective." Senate Bill 963 also expanded the list of types of restraints that are prohibited. Staff may use physical restraints on students only if they have received appropriate training. Education programs must also report on the usage of restraints to parents, guardians, and the Oregon Department of Education. Public Education Programs are required to [report all disciplinary incidents](#) to the Oregon Department of Education.

Senate Bill 995 would expand the definition of "abuse" to include the use of restraint and seclusion on students when in violation of existing laws and it would require the Department of Education to approve a training program that teaches the use of restraint and seclusion only if the program is a nationally recognized and meets certain training and certification standards.