

SB 1024 -1 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/6, 3/13

WHAT THE MEASURE DOES:

Specifies that photographs, audio recordings, or video recordings immediately preceding, during, and following an incident, in which a reportable injury arises from the use of a restraint or involuntary seclusion, are to be maintained as records by child-caring agencies. Prohibits child-caring agencies to destroy, edit, conceal or alter in any way said records. Directs child-caring agencies to immediately provide the Department of Human Services (DHS) written notification of the incident and true copies of any records. Directs DHS to provide the child in care's attorney, court appointed special advocate, parents or guardians with copies of the records upon request. Makes descriptions of photographs, audio recordings or video recordings necessary contents of written notice for an incident involving the use of a restraint or involuntary seclusion. Directs DHS to adopt rules regarding the installation and use of video recording equipment in child-caring agencies. Requires public education program to provide immediate, written notification to the parent or guardian of the student about the existence of a record of an incident involving the use of restraint or seclusion. Requires public education programs to ensure that photographs, video recordings or audio recordings of incidents is not destroyed, edited, or altered in any way. Requires public education programs to make such records available for review at debriefing meetings, preserve the record in the student's records, and make it immediately available for child abuse investigation purposes to DHS or law enforcement.

ISSUES DISCUSSED:

- Current process of record keeping and notice in incidents involving the use of restraint or seclusion
- Other legislation impacting restraint, seclusion and abuse of children

EFFECT OF AMENDMENT:

-1 Requires immediate oral notification be provided to a parent or a guardian of a student and the Department of Human Services if serious bodily injury or death of a student occurs in relation to a use of restraint or seclusion. Requires written notification be provided within 24 hours to the Superintendent of Public Instruction in addition to the district superintendent and any union representatives. Directs, rather than requires, a public education program to maintain a record of each incident in which serious bodily injury or death of a student occurs in relation to a use of restraint or seclusion. Requires public education programs to review any audio or video recording at debriefing meetings. Requires public education program to disclose records to the parent or a guardian of a student upon request. Requires public education program to redact record to protect anonymity of other students only if it does not alter the meaning of the record. Permits disclosure of original, unaltered record to DHS or DHS designee in suspected child abuse investigations.

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

SB 1024 -1 STAFF MEASURE SUMMARY

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 would require DHS to provide copies of audio, video or photographic records of restraint and seclusion to parents and attorneys. Would direct DHS to adopt rules related to the installation and use of audio and video recording equipment related to restraint and seclusion and immediately notify parent in writing when an audio or video recording exists of a restraint or seclusion. SB 1024 would require school districts to: ensure audio, video or photographic record is not altered, destroyed, edited or concealed in any way; make audio, video or photographic record available for viewing at required debriefing meeting; make audio, video or photographic record available to parent for viewing; preserve the audio, video or photographic record in the student's record; and make video available to ODHS or law enforcement upon request for purposes of a child abuse or criminal investigation.