

SB 790 A STAFF MEASURE SUMMARY

Senate Committee On Human Services

Action Date: 04/03/23

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 4-1-0-0

Yeas: 4 - Gelser Blouin, Manning Jr, Prozanski, Weber

Nays: 1 - Robinson

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/1, 3/27, 3/29, 4/3

WHAT THE MEASURE DOES:

Adds the infliction of corporal punishment and use of restraint and seclusion on a child, when in violation of existing laws, to the definition of child abuse. Specifies circumstances in which Department of Human Services (DHS) can determine a public education program responsible suspected abuse of a student. Directs DHS to report quarterly to the Legislative Assembly for the purpose of public review and oversight of quality and safety of education providers. Prohibits DHS to substantiate, in specific circumstances, an allegation of abuse against personnel of a public education program not trained to standards set by Oregon Department of Education and permits DHS to find a public education program responsible for abuse by untrained personnel's inappropriate use of restraint. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Examples of types of restraints and seclusions used in schools and residential programs in Oregon
- Number of victims and types of injuries of children with intellectual and developmental disabilities in Oregon or in out-of-state placement
- Training and support for staff in classrooms
- Reporting of restraint use in counties in Oregon
- Substantiations of abuse by the Office of Training, Investigations and Safety (OTIS) regarding definition in statute
- Consideration of restrictions or seclusions in violation of existing laws for judiciary intervention
- Concerns for risk and reliability by school districts
- Coordination of information and reports between OTIS and law enforcements

EFFECT OF AMENDMENT:

Adds the use of restraint and seclusion on a child, instead of a student, when in violation of existing laws to the definition of child abuse for incidents occurring on or after July 1, 2023, until July 1, 2028. Adds the infliction of corporal punishment on a child, instead of a student, when in violation of existing laws to the definition of child abuse for incidents occurring on or after July 1, 2023. Specifies circumstances in which Department of Human Services (DHS) can determine a public education program responsible suspected abuse of a student. Prohibits DHS to substantiate, in specific circumstances, an allegation of abuse against personnel of a public education program not trained to standards set by Oregon Department of Education and permits DHS to find a public education program responsible for abuse by untrained personnel's inappropriate use of restraint. Directs DHS to report quarterly to the Legislative Assembly for the purpose of public review and oversight of quality and safety of education providers. Specifies contents of reports and information protected from disclosure.

BACKGROUND:

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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 790 adds the restraint or seclusion and infliction of corporal punishment on a child to the definition of child abuse, when in violation of existing laws.