

Amend: “Whereas Oregon ranks 51st 49th in the nation for access to youth behavioral health care; and”

Section 1

(1)(a) “Chemical restraint” means a medication that is administered to a child to control the child’s behavior and restrict the child’s freedom of movement **and is not**, ~~other than medication that is a~~ standard treatment for the child’s medical or psychiatric condition.

~~(3)(b) The temporary restriction of freedom of movement of a child is not wrongful restraint if it is applied consistent with the intent to support the safety, healthy development and well-being of the child and is aligned to the child’s developmental state and individualized needs.~~

Section 4

New **(3) Notwithstanding subsection (1) or (2) of this section, public education program and school district personnel may physically intervene, without immobilizing the child in care, if the intervention is necessary to break up a physical fight or to effectively protect a person from an assault, other serious physical harm or sexual contact.**

(4) (a) The student must be provided with adequate access to the bathroom and water at least ~~every 30 minutes;~~ **as often as prescribed by the Department of Education by rule.**

Add “**reasonable**” back in before “risk of imminent serious physical harm”

Section 4 lines 19 and 28.

Section 14 lines 8 and 21.

Section 5

(7) [If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion,] If, in connection with the use of a restraint or involuntary seclusion, personnel of the public education program or school district die ~~or suffer serious physical injury, as defined in ORS 161.015,~~ the public education program or school district shall provide written notification of the incident *[must be provided]* within 24 hours of the incident to the district superintendent, to the Superintendent of Public Instruction and, if applicable, to the union representative for the affected party.

Section 6

(2) A process for investigating a complaint submitted under subsection (1) of this section. The rules must:

(a) Require that the Department of Education investigate the complaints;

- (b) Direct that public education programs and school districts must cooperate with the investigation;
- (c) Require that the investigation be completed and notification of the final determination must be made to the education provider within 90 calendar days following the date on which the complaint was filed with the ~~board~~ **department**;
- (d) Permit the timeline described in paragraph (c) of this subsection to be extended if the ~~board~~ **department** determines that, for good cause, a longer period of time is necessary;
- (e) Require the department, upon completion of an investigation, to notify:
 - (A) The public education program or school district accused of violating ORS 339.285 to 339.303 or 339.308;
 - (B) The student, the student's parents or legal guardian; and
 - (C) The person who made the complaint, if known by the ~~board~~ **department**; and
- ~~(f) Clearly limit the subjects~~ **Make the subject** of the investigation to the public education program or school district and not specific personnel who may have placed a student in a restraint, involuntary seclusion or a room described in subsection (3) of this section.

(3) The minimum standards for any rooms used by a public education program for involuntary seclusion of a student. The standards must:

- (a) Take into account the health and safety of students and personnel of the public education program and the respect and dignity of students; **[and]**
- (b) Include consideration of the size, safety features, lighting and ventilation of the rooms; ~~and~~
- ~~(c) Require the rooms to be equipped with operational video recording equipment.~~

Section 10

ORS 418.257 (9) "Neglect" means:

- (a) Failure to provide the care, supervision or services necessary to maintain the physical and mental health of a child in care; or
- (b) The failure of a child-caring agency, proctor foster home, certified foster home, developmental disabilities residential facility, caretaker or other person to make a reasonable effort to protect a child in care from abuse **as defined in ORS 418.257 and ORS 419B.005.**

Section 14

(4) (b) The restraint is authorized by ~~an order written at the time of and specifically for the current situation by~~ a licensed medical practitioner or a licensed children's emergency safety intervention specialist **and must not be a written as a standing order or on an as needed basis;**

(4) [(D)] (d) A licensed medical practitioner, children's emergency safety intervention specialist or qualified mental health professional, who is certified in the use of the type of restraint used, continuously monitors the use of the restraint and the physical and psychological ~~well-being~~ **status** of the child in care at all times while the restraint is being used;

(4) [(G)] (g) The program has written policies that require a licensed children's emergency safety intervention specialist or other licensed practitioner to evaluate and document the physical, psychological and emotional ~~well-being~~ **impact** of the child in care immediately following the use of the restraint; and

(6) (a) The program must provide the child in care with adequate access to the bathroom and water at least ~~every 30 minutes~~ **as often as prescribed by the department by rule;** and

Section 16

(e) Prioritize, **by means of explicit policy,** the reduction or elimination of the use of restraint and involuntary seclusion;

Section 21

Add new (5):

(5)(a) Anyone, including but not limited to an employee of a child-caring agency, proctor foster home, adjudicated youth foster home, certified foster home or developmental disabilities residential facility, who makes a report of violations of licensing or certification requirements, criminal activity at the child-caring agency, violations of state or federal laws or any practice that threatens the health and safety of a child in the care of a child in care to the Governor, the Department of Justice, the Director of Human Services, the director's designee or the department in good faith and who has reasonable grounds for the making of the report shall have immunity:

(A) From any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report;

(B) From disciplinary action taken by the person's employer; and

(C) With respect to participating in any judicial proceeding resulting from or involving the report.

(b) A person making a report under this section may include references to otherwise confidential information for the sole purpose of making the report, and any such disclosure must be protected from further disclosure to other persons or entities for any other purpose not related to the making of the report.

Sections 27 and 33

Remove added “Intentional” from section 27 lines 45 and 8

Remove added “Intentional” from section 33 line 25

Section 36

~~(b) The out-of-state placement of a child under this subsection is not subject to subsection (4), (5) or (6) of this section or court approval under ORS 419B.351.~~

(c) The out-of-state placement of a child under this subsection is subject to court approval under ORS 419B.351.

(d) The department may not place a child in an out-of-state placement under this subsection unless the department has verified that the placement is in good standing with the licensing authority in the state in which the placement will provide services or treatment to the child.

(e) The department may not place a child in an out-of-state placement under subsections (A), (B), (C), and (E), unless the department has conducted an in-person inspection by department staff who perform licensing functions under ORS 418.262 and have verified that the placement is safe and in significant alignment with Oregon CCA licensure requirements.

(f) In addition to required notifications under ORS 419B.440(a), when the department places a child in an out-of-state placement under this subsection, the department shall provide written notice of the placement to the office of the Governor, **the foster care ombudsman** and the System of Care Advisory Council ~~within seven days following~~ **prior to, or as soon as practicable after** the date of placement. ~~(Add language that exempts the SOCAC subcommittee from public meeting laws to protect the privacy of the children.)~~

New (8) The department shall develop rules outlining a process for review of the out-of-state placement. At a minimum, the rules must:

(a) Establish what constitutes significant alignment with CCA licensure requirements;

(b) Require a multidisciplinary team monitor the progress of the child in the out-of-state placement;

(c) Require in-person contact with the child in the out-of-state placement at a minimum of every 15 days; and

(d) Ensure the child understands their rights as a ‘child in care’ in Oregon and knows how to report violations to those rights to Oregon.

Add – Requirement for annual report to legislative committees on human services and behavioral health from SOCAC on analysis of the approval of exceptions for sections 36 and 37. Due September of each year.

Section 37

(9) The Department of Human Services and the Oregon Health Authority shall submit quarterly narrative reports to the System of Care Advisory Council describing the circumstances that justify the placements in the previous quarter of any children or wards in child-caring agencies that are not qualified residential treatment programs, as permitted under subsection (3)(k) of this section, and any placement extensions authorized under subsection (5)(b) of this section. **(Add language that exempts the SOCAC subcommittee from public meeting laws to protect the privacy of the children.)**

Add – Quarterly report to legislature

Sections 42-45

Remove these sections.

Section 58

Amend to mirror SB 1113 Section 44.

ORS 418.625 is amended to read:

418.625. As used in ORS 418.625 to 418.645:

(1) “Certificate” means a written approval to operate a foster home issued by the Department of Human Services on a form prescribed by the department that states the name of the foster parent,
the address of the premises to which the certificate applies and the maximum number of children to be maintained or boarded in the foster home at any one time.

(2) “Department” means the Department of Human Services.

(3)(a) “Foster home” means any home maintained by a person who has under the care of the person in the home any child under the age of 21 years unattended by the child’s parent or guardian,

for the purpose of providing the child with care, food and lodging[, but does not include:].

(b) “Foster home” does not include:

[(a)] **(A)** Any boarding school that is essentially and primarily engaged in educational work;

[(b)] **(B)** Any home in which a child is provided board and room by a school board;

[(c)] **(C)** Any foster home under the direct supervision of a child-caring agency or institution certified by the department;

[(d)] **(D)** Any home under the direct supervision of a custodial parent for the purpose of providing respite care as defined by rule;

[(e)] **(E)** Any developmental disability child foster home as defined in ORS 443.830; or

[(f)] **(F)** Any home of a provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney under ORS 109.056.

Section 60

(2)(a) (a) The county juvenile department is a county program, as defined in ORS [418.205] ~~418.215~~ **418.246**.

Section 62

Add Applicability clause: The amendments to ORS 339.303 related to the investigation of complaints by the Oregon Department of Education apply to complaints received on or after August 30, 2026.

Add Operative Date: Insert a standard operative date provision that states section 6 becomes operative August 30, 2026, and includes language that allows ODE to exercise any duties, functions, and powers conferred on the Department necessary to fulfill its duties under the bill.

- This is because we have a current process where we take these issues on appeal. We need a way to bridge between our current process and the applicability date of 8-30-2026.