



Senator Gelser Blouin, Chair
Senate Committee On Human Services

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Lives in the Balance
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Hearing Date: Thursday, March 27, 2025

Re: Support for SB 1113, Enhancing Protections for Kids

Chair Gelser Blouin, Vice-Chair Heard, and Members of the Committee:

My name is Ben Jones and I am the Director of Legal and Policy Initiatives at Lives in the Balance, a national non-profit organization that advocates for our most vulnerable kids, and helps caregivers intervene in evidence-based ways that are collaborative, proactive, non-punitive, non-exclusionary, and effective.

We encourage you to review a sample of the testimonies from the House Committee on Human Services public hearing on HB 3835 that took place on March 20th and March 25th.¹ Individuals - and their families - with lived experience attending schools and treatment facilities shared heartbreaking stories of the abuse they experienced and witnessed. One form the abuse took was the frequent, inappropriate use of physical restraint and seclusion of children. 192 folks - and counting - wrote in to oppose HB 3835.

While HB 3835 is an effort to respond to the very real concerns of front-line staff and service providers about workplace safety... It is misguided, addressing those concerns on the backs of children's rights and safety. SB 1113, on the other hand, takes into account both child and staff safety - limiting the use of physical restraint and seclusion to true emergencies.

We strongly support SB 1113 and encourage the Committee to take the further step to dive deeper into the issue of inadequate training that SB 1113 does not address.

I. Oregon schools use dangerous practices frequently and disproportionality.

The overuse of restraint and seclusion in school and treatment settings is not only a serious safety issue, it is a legal and civil rights issue. These practices are dangerous, not evidence-based, and disproportionately used on students with disabilities and Black students.

¹ Oregon State Legislature. 2025 Regular Session. HB 3835 - Testimony. Available at: <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Testimony/HB3835>



In the 2023-2024 school year:

- Over 5,200 incidents of restraint and seclusion used on over 1,500 students;
- 131 student injuries and 591 staff injuries involved in these incidents;
- Students with disabilities were 79% of the students restrained or secluded - making them 5 times more likely to endure these practices; and
- Black/African American students were over 4 times more likely to be restrained or secluded.

Just as we view the repeated use of restraint or seclusion of an individual child as a clear red flag that something is not working, when we see thousands of restraints and seclusions across the state with hundreds of injuries involved, we see red flags in the system as a whole. Something is missing.

II. Clear guardrails on dangerous practices benefit children and staff alike.

SB 1113 raises the standard for use of physical restraint and seclusion to the presence of a 'reasonable risk of imminent serious bodily injury to the student or others'. This definition is much more in line with where states have landed in recent years, including California, Idaho, Maine, Maryland, New Hampshire, New Mexico, New York, Oklahoma, and Rhode Island.

III. SB 1113 could do one better and include support for effective, evidence-based training.

There is a myth that restraint and seclusion procedures are necessary to keep kids and caregivers safe. There is no research – none – indicating that that is the case. In fact, it is when kids are being restrained and secluded that they and their caregivers are at greatest risk for being hurt. **There are many, many schools dealing with equally difficult kids that never use restraint and seclusion.**

Lives in the Balance has worked with countless schools to help them dramatically reduce or completely eliminate their use of restraint and seclusion through implementation of the evidence-based *Collaborative & Proactive Solutions* model. So we've been in the trenches, know the tremendous challenges being placed on educators in special education classrooms, and are all-too-aware of the training they've received previously that causes them to intervene in ways that are reactive instead of proactive.

Although restraint and seclusion are often referred to as crisis prevention strategies, they are not. They occur very late in a sequence of events that begins with an expectation a student is having difficulty meeting, usually an expectation that caregivers already know the student can't reliably meet. When caregivers are focused on proactively identifying those expectations (we call them unsolved problems) and help kids solve those problems – collaboratively and proactively -- that's true crisis prevention and the need for crisis



management is dramatically reduced. As one example, we worked extensively with the Fairfax County Public Schools (FCPS), the largest school system in Virginia. Three years ago, FCPS used thousands of restraints and seclusions per year - that number is now below 100.

IV. Multiple states are confronting the inappropriate use of restraint and seclusion with training.

In 2023, Washington established the 'Reducing Restraint & Eliminating Isolation Project' by the Office of Superintendent of Public Instruction, which provides grant funding for demonstration and pilot sites to train staff with the mission of eliminating seclusion and tracking and reducing the use of restraint.²

Massachusetts began an initiative in 2021 to address the inappropriate use of time-out rooms and followed up their recommendations with a competitive grant entitled 'Implementing Strategies to Reduce or Eliminate the Use of Time-Out Rooms.'³

And, in Maine in 2021, the state started its 'Reducing Restraint and Seclusion In Schools' initiative offering free technical assistance in evidence-based practices to support educators in alternatives to restraint and seclusion.⁴

Clear guardrails on dangerous practices and effective, evidence-based training are key to child and staff safety in schools and treatment settings alike. **We urge you to support SB 1113.**

Thank you for the opportunity to testify.

A handwritten signature in black ink, appearing to read "Ben Jones".

Ben Jones, J.D.

² Washington Office of Superintendent of Public Instruction. *Reducing Restraint & Eliminating Isolation Project*. Available at: <https://ospi.k12.wa.us/student-success/health-safety/school-safety-center/reducing-restraint-eliminating-isolation-rrei-project>

³ Massachusetts Department of Elementary and Secondary Education. *Reducing or Eliminating the Use of Time-Out Rooms*. Memo available at: <https://www.doe.mass.edu/sped/advisories/2021-0910timeout-rooms.docx> Grant language available at: <https://www.doe.mass.edu/grants/2024/awards/0213.docx>

⁴ Maine Department of Education. *Reducing Restraint and Seclusion In Schools*. Available at: <https://www.maine.gov/doe/schoolsupports/climate/restraintandseclusion/education>