



Oregon DD
Coalition

Advancing Opportunities

March 27, 2025

To: Representative Hartman, Chair, and House Committee on Early Childhood and Human Services

From: Oregon Developmental Disabilities Coalition

RE: House Bill 3835 (Oppose)

To Chair Hartman, Vice-Chairs Nguyen and Scharf, and Members of the Committee:

The Oregon Developmental Disabilities Coalition (DD Coalition) is a group of approximately 30 organizations across Oregon that promote quality services, equity, and community integration for Oregonians with intellectual and developmental disabilities (I/DD) and their families. Our members include the Oregon Self-Advocacy Coalition (a statewide coalition of people with I/DD or “self-advocates”), peer-based family support organizations, support services brokerages, advocacy organizations, and developmental disability providers and the DD Act Network Partners.

Oregon’s children with intellectual and developmental disabilities deserve safety, security and freedom from harmful seclusion and restraint. HB 3835 weakens abuse prevention laws creating a greater risk of harm. Children with IDD are already more susceptible to abuse, because they have more likelihood of communication barriers and are often targeted with bias against their behaviors tied to disability.

The DD Coalition has listened to the stories of abuse from parents, family members, and children with IDD. We encourage you to listen or review their testimony closely. Andrea Leoncavallo and her daughter Emily share Emily’s traumatic experience being secluded and locked in a classroom for hours. Despite having a safety plan to call or contact her mother, they would not let Emily speak with her, but instead chose to “ride it out” with Emily in an isolation room. The



consequences of that experience haunt Emily to this day who described it as a “prison.”¹ Changes to HB 3835 make it unlikely that an investigation would be conducted or that a finding of abuse would be made.

Sara Schultz discusses her son’s traumatic experience being secluded and restrained in school. In the first 16 days at a new school, staff restrained him 29 times. They would isolate him in a room, but deny it was “seclusion,” because the door was left ajar and someone stood guard to prevent his release as he cried under a “crash pad.” Like Emily, Keith describes his experience as feeling like a “prison.” He no longer holds anyone’s hand, because of the excessive restraint placed on him and the decision of school staff to hold his hand all the time in the effort to restrain him. In the words of Keith’s mother, “we should be getting rid of seclusion and restraint—not making it easier.”²

Gabrielle Guedon whose family fostered many kids shares her sister’s experience with restrain, which during one incident involved ramming her into a wall that injured her. Gabrielle herself is an adult with disabilities who knows what it was like before restrictions on restraint and seclusion were adopted. One of the talking points of proponents of this bill centers on counting the number of times staff have been injured on the job. However, as Gabrielle rightly points out, many of those injuries are likely the result of staff going “hands on” with a child, which puts both the child and the staff person at greater risk of harm. The trauma Gabrielle’s sister Lydia experienced in school also lingers to this day due to triggers that remind her of school restraints.³

Those from whom the DD Coalition has heard these stories all acknowledge that HB 3835 will negatively impact children with IDD, and make it easier for incidents of abuse to be dismissed and uninvestigated. Subjective standards that permit “reasonable action” tied to “individualized needs” or “developmental stage” will

¹ Andrea and Emily Leoncavallo’s testimony can be found in OLIS by following the following links: <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/161990> and <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/167194>

² Sara Schulz’s testimony can be found in OLIS by following the following link: <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/161526>

³ Gabrielle Guedon’s testimony can be found in OLIS by following the following link: <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/161611>



be used as justification for harmful practices. These standards are anything but clear and that makes the work of abuse investigators that much harder. The limits that allow physical force so long as it does not amount to “serious physical harm” mean—short of an incident posing a risk of death or disfigurement—abuse will be permitted.

The bill also inexplicably makes it harder to report abuse by removing requirements for Department of Human Services to maintain an online reporting system. Such systems are critical to the abuse reporting system as lack of anonymity and access to abuse reporting systems chills any such reporting. Removing such a requirement belies the purported purpose of the bill, which proponents claim is to improve recruitment of new providers by clarifying what constitutes abusive restraint and seclusion. Removing requirements for an online reporting system suggests that the actual purpose of the bill is simply to frustrate abuse reporting to reduce the number of claims that must be investigated—even if they are valid incidents of abuse.

Finally, out-of-state placement of children under HB 3835 is concerning in that it puts in place a system where children may be placed in institutions in other states that have lower licensing standards than those in Oregon and potentially little oversight. In many states, providers can be sanctioned many times before their license is revoked, so setting a standard that the provider is in good standing with licensing entities in their state is ineffective.

The DD coalition strongly opposes HB 3835, because it will reduce the safety, security, and freedom from abuse for children with IDD. We also support Senate Bill 1113 as a better alternative.