



Representative Ben Bowman, Chair  
House Committee On Rules

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Hearing Date: Monday May 12, 2025

***Re: Opposition to HB 3835-A5, Rolling Back Protections for Kids***

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 testified in opposition to HB 3835 as introduced and now write to make clear that the amendments comprising HB 3835-A5 do nothing to allay our concerns - therefore, **we strongly oppose HB 3835-A5 and encourage the Committee to look at the underlying issue - the need for effective training.**

Oregon has made important strides in protecting vulnerable kids in recent years - including keeping kids in treatment close to home and allowing abuse investigations into illegal restraints at school. HB 3835-5A seeks to undo protections. Kids in special education, treatment settings, and foster care are often segregated from their peers. Without proper oversight, these settings can become hotbeds of abuse in the form of overusing restraint and seclusion.

**I. With evidence-based training in problem-solving, crises are truly prevented.**

**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 settings dealing with equally difficult kids that never use restraint and seclusion.

Lives in the Balance has worked with schools, treatment settings, juvenile justice facilities, and hospitals 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 caregivers, 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.

# LIVES in the BALANCE

**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.

## **II. 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.<sup>1</sup>

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.'<sup>2</sup>

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.<sup>3</sup>

Training is the key. Providing effective support to educators and caretakers will lead to safer staff and safer kids. Loosening regulations on dangerous practices like restraint and seclusion will only lead to more opportunities for abuse. **We urge you to oppose HB 3835-5A.**

Thank you for the opportunity to testify.



Ben Jones, J.D.

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<sup>1</sup> 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>

<sup>2</sup> 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>

<sup>3</sup> Maine Department of Education. *Reducing Restraint and Seclusion In Schools*. Available at: <https://www.maine.gov/doe/schoolsupports/climate/restraintandseclusion/education>