

Testimony in Support of HB 3835-A5

Chair Bowman, Vice-Chairs Drazan and Pham, and Members of the Committee,

Thank you for the opportunity to testify on the A5 amendment to House Bill 3835.

First, I want to express my strong support for this amendment. This bill implements critical reforms that will continue to protect children in Oregon's residential treatment programs, developmental disabilities facilities, and foster care settings from abusive restraint and seclusion while bringing much-needed clarity where vague and sometimes punitive standards have hindered facilities' ability to deliver appropriate care. This bill also ensures that children in foster care have the same access to medical care outside the state of Oregon that all other children on OHP have while adding robust requirements on ODHS and OHA and quarterly reports to the legislature. Please pass this bill out of committee without delay. Our kids and families cannot wait any longer for the clarity, safety, and support they urgently need.

But I must also express concern about what was removed from the bill: everything related to our public schools.

The following observations come from my own experience. I have personally visited numerous schools across our region — both public and private. I've spent time in classrooms, observed firsthand the challenges educators face, and met with superintendents, administrators, general education teachers, special education teachers, and substitute teachers. These perspectives are not abstract — they are lived, real, and consistent. The concerns I raise come directly from the front lines of education.

Our current school restraint and seclusion law is not just flawed — it's an **overcorrection**. It was written in response to rare and extreme abuse cases.

While well-intended, it now punishes good teachers for doing the right thing. It fosters fear, not safety.

Teachers are expected to manage increasingly complex behaviors, yet they are left with vague and often conflicting guidance. Terms like “minimal exertion of force necessary” may sound reasonable in a policy manual, but they mean almost nothing in the real-time chaos of a classroom. No teacher wants to guess what “minimal” means — not when getting it wrong could cost them their job, their license, or their reputation.

And here’s the hard truth: many teachers **avoid being trained** in programs like MANDT — not because they don’t care, but because once they’re trained, they’ll be expected to intervene. And when they do, they fear they’ll be punished if it’s not perfect. They’ve heard the stories. Do it “wrong,” and you risk being reprimanded, investigated, or even fired.

Even when interventions go well, they often come with an hour or more of paperwork — detailed reports, debriefs, mandatory notifications. Add that to an already overloaded day, and the message to educators becomes clear: **don’t intervene unless absolutely necessary — and even then, hope it goes unnoticed.**

This isn’t just bad policy — it’s dangerous. It forces good teachers into an impossible choice: protect themselves or protect their students. And in the process, it erodes classroom safety and discipline, ultimately harming all students.

The original version of HB 3835A took meaningful steps toward fixing this. A draft amendment developed after the bill moved to the Rules Committee made it even better. It brought clarity. It banned abusive practices. And it trusted educators to act when necessary — not recklessly, but responsibly.

Once the law is clear — and teachers are trusted to use their judgment in tense situations — more will be willing to get trained on de-escalation techniques and the proper, limited use of restraint or seclusion.

So I ask this committee: **please don't let this be the end of the conversation.** Pass this amendment to move forward for children in care — yes. But commit to returning to the issue of schools.

Teachers are not asking for power. They are asking for **clear rules, fair expectations**, and the **freedom to protect their students without risking their careers.**

Let's fix the overcorrection. Let's give Oregon's teachers — and the students they serve — the clarity and protection they both deserve. Thank you.