

Youth, Rights & Justice

ATTORNEYS AT LAW

TO: Senate Committee on Education and Workforce Development, 2013 Oregon Legislative Assembly

FR: Mark McKechnie, Exec. Director, Youth, Rights & Justice

DA: April 25, 2011

RE: Support for HB 2753

Chair Hass and Members of the Committee:

Youth, Rights & Justice has represented 50,000 children in foster care and youth in the juvenile justice system since 1975. In addition, we have assisted more than 2,500 students facing barriers to school enrollment, a lack of appropriate special education services and other barriers to their educational success. Some of them have been harmed emotionally or physically by ill-advised or improper episodes of seclusion or restraint in their schools.

In 2011, you passed HB 2939 with a sunset clause. There is now a consensus that ***schools should only use seclusion and restraint as a last resort and that policies, training and reporting need improvement.*** The votes in the House Education Committee and House Chamber were unanimous in their support. We encourage you, as well, to remove the sunset clause by passing HB 2753.

The restraint and seclusion of children by adults in our public schools should be used as a last resort and should be closely monitored. This would make permanent the requirements for Oregon's public schools that:

- **Seclusion and restraint should only be used to prevent imminent bodily injury**, and only when less restrictive options would not be effective.
- **Physical restraint or seclusion never be used for discipline**, punishment or the convenience of school personnel.
- **Parents need to be notified whenever their children are subject to the use of restraint or seclusion.**
- **School staff members who use physical force to control students' behavior should be trained** according to established and accepted protocols and they should be trained to implement non-physical intervention strategies whenever possible.
- Administrators will review practices within their schools and districts.
- Schools and districts will report to state officials to help ensure that the seclusion and restraint is used only in those circumstances when it can be reasonably justified.

There are several reasons why Oregon needs to regulate physical restraint and seclusion of students in school settings:

- Policies on the appropriate use of seclusion and restraint in schools have been inconsistent, and in some cases, non-existent.
- **Improper restraint and seclusion practices can inflict physical and emotional harm upon students and can result in injury to school staff members, as well.**
- Students who have been subject to restraint and seclusion practices most often suffer from disabilities, such as autism, or have histories of trauma due to abuse and neglect. **Conditions such as Post-Traumatic Stress Disorder and other disabling conditions can easily be exacerbated by physical restraint and seclusion, particularly when it is done improperly.**
- Students with known behavioral and emotional disorders should have behavior plans developed in advance in order to prevent unsafe situations that might require restraint or seclusion to be used.
- Non-physical intervention strategies, such as Collaborative Problem Solving and Positive Behavioral Interventions and Supports, as well as restraint protocols, such as Non-Violent Crisis Intervention, are available and effective for modifying student behavior safely.

HB 2753 is necessary to maintain the safety and well-being of students and adults in our public school systems and we urge your support for this important and commonsense legislation. Youth, Rights & Justice urges your support for HB 2753.