



DISABILITY RIGHTS OREGON

February 22, 2013

Rep. Sara Gelser, Chair
House Committee on Education

HB 2584

Disability Rights Oregon urges this committee to pass HB 2584 to assure that important protections for school children and staff remain in place.

In the 2009 legislative session, DRO worked with other advocacy groups to develop HB 2939. The purpose of that bill was to ensure the safety of all students and personnel in schools and promote a positive school culture and climate by limiting and regulating the use of seclusion and restraint of students. It specifically sought to assist schools in:

- Establishing policies and procedures to keep all students and school personnel safe, including students with the most complex and intensive behavioral needs;
- Identifying and implementing effective evidence based models to prevent and reduce physical restraint and seclusion in schools; and
- Collecting and analyzing data on seclusion and physical restraint in schools as a means to reduce such incidents.

HB 2939 was amended before being enacted into law. By amendment, the bill took effect on July 1, 2012 and will sunset on June 30, 2017. The bill before you, HB 2584, will remove that sunset.

In 2007, at the urging of DRO, the Oregon Department of Education enacted rules limiting the use of restraint and seclusion to situations in which the student's behavior poses a threat of imminent, serious physical harm to the student or others. These rules also directed school districts to establish written policies and procedures. School districts were required to have policies that include provisions for staff training, debriefing, and notification of the parent or guardian on the same day as an incident of restraint or seclusion occurs.

A DRO investigation of school district compliance with these rules showed that the majority of districts either disregarded or were unaware of them. This investigation along with ongoing complaints from parents about the inappropriate use and reporting of seclusion and restraint prompted DRO to develop HB 2939.

Keeping children and staff safe in our schools should be the ongoing policy of Oregon. HB 2939 promotes the most effective practices to accomplish this goal.