



DISABILITY RIGHTS OREGON

February 22, 2013

Rep. Sara Gelsler, Chair
House Committee on Education

HB 2585

Disability Rights Oregon urges this committee to pass HB 2585 to assure that important legal protections for school children and staff are actually implemented and reviewed.

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. An amendment removed a provision that directed the Department of Education to collect data and resolve complaints from parents about the improper use of seclusion and restraint.

HB 2585 will require the State Board of Education to investigate complaints that a child was illegally restrained or secluded. It will also require school districts to send reports to the Superintendent of Public Instruction which the districts are now required to prepare.

Without HB 2585, parents will continue to have no recourse other than a lawsuit to determine if a school is improperly secluding or restraining their child.

Without HB 2585, the state will have no way of assessing whether school districts are following its administrative rules and state law.

A DRO investigation found that most school districts have not been aware of or implemented DOE rules governing the use of seclusion and restraint. DOE has declined requests to use its special education fair hearing process to resolve complaints of improper seclusion or restraint. Meaningful oversight of these practices requires collection of data and review of disputed practices. HB 2585 will accomplish this.