

February 22, 2013

Chair Gelser and members of the committee, my testimony today is in regard to Bills regarding seclusion and restraint practices.

Thank you for the opportunity to speak today. My name is Stephanie Hunter and I am a positive behavior support specialist with Oregon Technical Assistance Corporation (OTAC). OTAC provides training and technical assistance (TTA) statewide through DHS contracts that focus on children and adults with disabilities who engage in challenging behavior. As a behavior specialist at OTAC, we are required by the state of Oregon to use Positive Behavior Support practices. I want to share today my concerns about the use of seclusion in public schools and why the overall use of seclusion and restraint in schools must require regulation and oversight.

My 14 years of experience includes providing TTA to children who experience developmental disabilities, intellectual disabilities, mental health challenges, or have experienced traumatic life experiences. These children do engage in behaviors that could lead to harm to themselves and others. There are times when the behavior of the children may require the use of protective physical supports or restraints for safety and there are times when the safest place for the child is to be in an environment where they can be closely monitored with support to calm down and get back to their routine as quickly as possible.

What I have learned about children with challenging behavior is that they often have tremendous difficulties communicating their needs or being understood. Some of the children do not talk and even the children that do struggle with articulating their basic needs or feelings. These children use behavior to communicate they are sick, uncomfortable, lonely, hungry, tired, and thirsty; they need a break, they do not understand the expected task, they do not feel safe, they cannot handle their emotions, and they do not feel heard. The challenging behavior that they use is often the most reliable form of expression these children have. So if the child is trying to meet a need it does not go away after being placed inside of a seclusion box. A child that calms down inside of this box is not a success story. This child still has an unmet need and they have given up trying to be heard or they decide to up the ante and use a more difficult behavior next time.

In my role as positive behavior support specialist it is common for me to observe at the school and review the documents that the school provides to the family. I use the information from the school to help develop supports in the home for the family to understand and reduce their child's challenging behavior. Some of these children are being secluded or restrained at school. One or more of the following things are missing or problematic when I do my observations and review the school documents:

- The functional assessment has not been completed correctly and there is not an accurate understanding of what purpose or need the behavior is meeting.
- Behavior plans are focused on earning or taking away privileges instead of teaching skills

- The child is expected to have a skill they have not been taught like asking for help or a break
- A child that has difficulty with social skills and communication is expected to be more appropriate and mature than another child their same age that does not have a disability.
- Information regarding Seclusion and restraint that must only be used in an emergency and as a last resort is missing or is not defined clearly in the plan.

A good behavior specialist and teacher who understand functional analysis and assessment will always address the health and safety of the child and the people who provide the support whether it be in school, home or the community. Any Positive Behavior Support techniques or practices intended for safety must show the child respect, maintain their dignity, include the family in the decision-making, and there must be an assessment of what the behavior is communicating and a plan in place to teach skills and define how to respond before the behavior escalates to a challenging level.

What we know is that training is critical for teachers, specialists, and families who support a child with challenging behavior. From my experience in being in schools, teachers, their staff and families are limited in their training in Positive Behavior Support and effective proactive strategies.

In conclusion, I would ask that you consider the following areas as you continue to discuss the issue of seclusion and restraints for children in schools:

- Regulations must be flexible enough to allow schools to feel safe individualizing supports for the children and include families in that process but strong enough to ensure kids are not being routinely secluded, restrained, suspended, expelled, or sent home.
- A complaint process must be in place to protect the child but not to punish a teacher or staff that has not been given the proper training or resources.
- Increased training for educators in Positive Behavior Support techniques to help decrease the need to put a child into seclusion or restraints.
- What must be standard and require oversight are the use functional behavioral assessment and behavior intervention plans that are trained and regularly monitored by an objective trained professional.

Thank you for the opportunity to speak before you today. I appreciate your consideration to include better training and oversight in the use of functional behavioral assessment and behavior intervention plans as a key feature of the legislation.

Respectfully,
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