



Representative Annessa Hartman, Chair  
House Committee On Early Childhood and Human Services

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Lives in the Balance  
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Hearing Date: Thursday, March 20, 2025

***Re: Opposition to HB 3835, Rolling Back Protections for Kids***

My name is Ben Jones and I am the Director of Legal and Policy Initiatives at Lives in the Balance, a national non-profit organization that advocates for our most vulnerable kids, and helps caregivers intervene in evidence-based ways that are collaborative, proactive, non-punitive, non-exclusionary, and effective.

Oregon has made important strides in protecting vulnerable kids in recent years - including keeping kids in treatment close to home and allowing abuse investigations into illegal restraints at school. HB 3835 seeks to undo these protections. Kids in special education, treatment settings, and foster care are often segregated from their peers. Without proper oversight, these settings can become hotbeds of abuse in the form of overusing restraint and seclusion. **We strongly oppose HB 3835 and encourage the Committee to look at the underlying issue - the need for effective training.**

**I. Oregon educators need support, not loosened regulations.**

In the 2023-2024 school year in Oregon:

- Over 5,200 incidents of restraint and seclusion used on over 1,500 students;
- 131 student injuries and 591 staff injuries involved in these incidents;
- Students with disabilities were 79% of the students restrained or secluded - making them 5 times more likely to endure these practices; and
- Black/African American students were over 4 times more likely to be restrained or secluded.

Just as we view the repeated use of restraint or seclusion of an individual child as a clear red flag that something is not working, when we see thousands of restraints and seclusions across the state with hundreds of injuries involved, we see red flags in the system as a whole. Something is missing.



## II. With evidence-based training in problem-solving, crises are truly prevented.

**There is a myth that restraint and seclusion procedures are necessary to keep kids and caregivers safe. There is no research – none – indicating that that is the case.** In fact, it is when kids are being restrained and secluded that they and their caregivers are at greatest risk for being hurt. There are many, many schools dealing with equally difficult kids that never use restraint and seclusion.

Lives in the Balance has worked with countless schools to help them dramatically reduce or completely eliminate their use of restraint and seclusion through implementation of the evidence-based *Collaborative & Proactive Solutions* model. So we've been in the trenches, know the tremendous challenges being placed on educators in special education classrooms, and are all-too-aware of the training they've received previously that causes them to intervene in ways that are reactive instead of proactive.

**Although restraint and seclusion are often referred to as crisis prevention strategies, they are not. They occur very late in a sequence of events** that begins with an expectation a student is having difficulty meeting, usually an expectation that caregivers already know the student can't reliably meet. When caregivers are focused on proactively identifying those expectations (we call them unsolved problems) and help kids solve those problems – collaboratively and proactively -- that's true crisis prevention and the need for crisis management is dramatically reduced. As one example, we worked extensively with the Fairfax County Public Schools (FCPS), the largest school system in Virginia. Three years ago, FCPS used thousands of restraints and seclusions per year - that number is now below 100.

## III. Multiple states are confronting the inappropriate use of restraint and seclusion with training.

In 2023, Washington established the 'Reducing Restraint & Eliminating Isolation Project' by the Office of Superintendent of Public Instruction, which provides grant funding for demonstration and pilot sites to train staff with the mission of eliminating seclusion and tracking and reducing the use of restraint.<sup>1</sup>

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<sup>1</sup> Washington Office of Superintendent of Public Instruction. *Reducing Restraint & Eliminating Isolation Project*. Available at: <https://ospi.k12.wa.us/student-success/health-safety/school-safety-center/reducing-restraint-eliminating-isolation-rrei-project>



Massachusetts began an initiative in 2021 to address the inappropriate use of time-out rooms and followed up their recommendations with a competitive grant entitled 'Implementing Strategies to Reduce or Eliminate the Use of Time-Out Rooms.'<sup>2</sup>

And, in Maine in 2021, the state started its 'Reducing Restraint and Seclusion In Schools' initiative offering free technical assistance in evidence-based practices to support educators in alternatives to restraint and seclusion.<sup>3</sup>

Training is the key. Providing effective support to educators and caretakers will lead to safer staff and safer kids. Loosening regulations on dangerous practices like restraint and seclusion will only lead to more opportunities for abuse. **We urge you to oppose HB 3835.**

Thank you for the opportunity to testify.

A handwritten signature in black ink, appearing to read 'Ben Jones'.

Ben Jones, J.D.  
Encl.

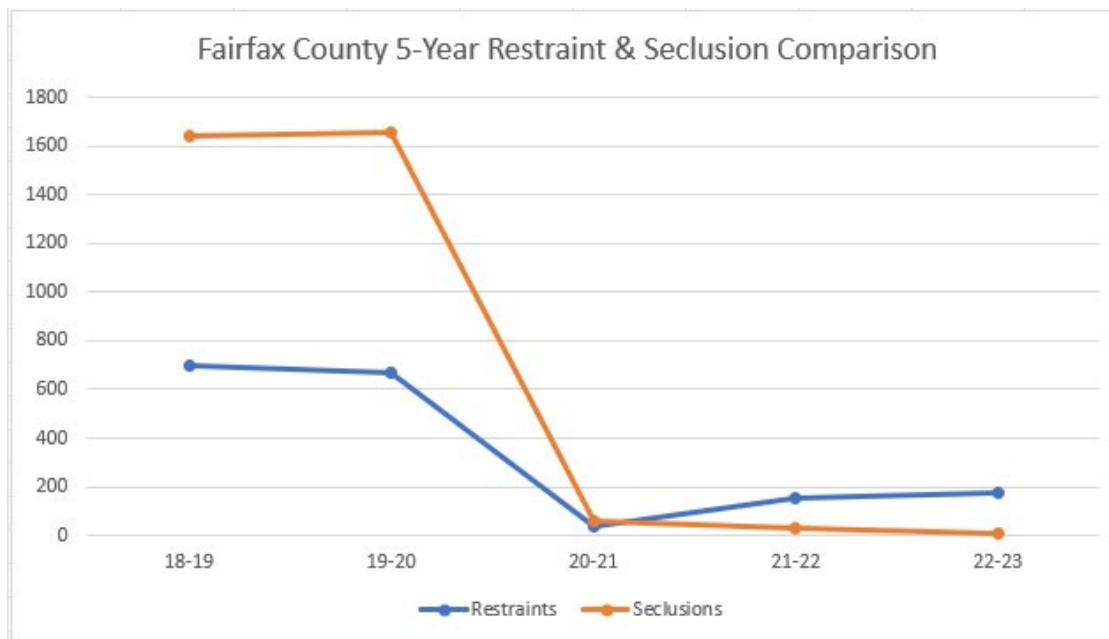
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<sup>2</sup> Massachusetts Department of Elementary and Secondary Education. *Reducing or Eliminating the Use of Time-Out Rooms*. Memo available at: <https://www.doe.mass.edu/sped/advisories/2021-0910timeout-rooms.docx> Grant language available at: <https://www.doe.mass.edu/grants/2024/awards/0213.docx>

<sup>3</sup> Maine Department of Education. *Reducing Restraint and Seclusion In Schools*. Available at: <https://www.maine.gov/doe/schoolsupports/climate/restraintandseclusion/education>

## The Data Are In: Collaborative & Proactive Solutions (CPS) Dramatically Reduces Restraint and Seclusion in Schools

VIRGINIA: Fairfax County Public Schools (FCPS) is the largest school system in Virginia, with 220 schools and over 180,000 students. [Three years ago](#), at the urging of their involved parents, they asked [Lives in the Balance](#) to partner with them to dramatically reduce their use of restraint and seclusion. As shown in the graphic below, they've come a long way, thanks to the courage, hard work, and open-mindedness of their staff. They now know that [true crisis prevention](#) begins way before de-escalation, and that proactively solving the problems that are causing a student's concerning behavior is the best way to stay out of crisis management mode. While they're still working on getting those restraint numbers down to zero, they're also extending the work into general education classrooms. They're a great model for school systems throughout the world.



MAINE: Here's an update on a school district we [featured a while back](#), RSU 75 in Maine. After implementing CPS following the 2018-19 school year, the district has experienced a significant decline in their use of restraint and seclusion – graphic below. Good for the kids...good for the adults...good for everyone. A research paper describing these findings has been submitted for publication...but you can read it [here](#) now.

