

Senate Education Committee
Senate Bill 2351 – January 31, 2023
Testimony of Rachel Sinness, P&A Legal Director

P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A provides testimony in opposition to SB 2351 relating to a data collection system for classroom and hallway clearings. Subsection 2 of Section 1 of SB 2351 provides that a data collection system shall be reported and include information relating to the number of clearings and students involved in a clearing during a month's time. Subsection 2 of Section 1 asks information relating to students, but this information is limited to whether the student has a developmental or intellectual disability, the behavior that caused the clearing, and the student's age. If this committee considers a DO PASS on this bill, P&A would ask that lines 16 and 17 relating to the students' disabilities be struck from the language. This language enumerates only intellectual and developmental disabilities, thus singling out those categories and appearing to specifically attribute disruptive behaviors to the student's disability. No assumption should be made that a student's disability is a direct cause and only reason for classroom and hallway clearings.

Subsection 3 suggests a comprehensive report. In keeping with the idea of comprehensive reporting, and in lieu of singling out a student's developmental or intellectual disability, P&A suggests adding language to subsection 2 that addresses the series of events leading up to the incident requiring a classroom or hallway clearing. We

appreciate the inclusion of reporting limitations such as seclusion, restraint, suspension, expulsion, and school removal for behavioral issues.

SB 2351 provides that all public schools shall report data monthly. P&A supports the idea of including ramifications as provided in subsection 4 relating to a school's failure to submit the report will make it more likely that a school will make regular reports. It is P&A's understanding that schools are to make such reports now, but several do not. It is understandably difficult to track and guarantee accurate data when the data and data reporting are unreliable.

As written P&A cannot support 2351, but would support amendments that more carefully consider students with disabilities and which more accurately reflect data obtained.