



Senator Joseph Rafferty, Chair  
Representative Kelly Murphy, Chair  
Committee On Education and Cultural Affairs

Scheduled Hearing Date: April 23, 2025

***Re: Testimony Against LD 1248, Restraint and Seclusion of Students in Schools***

Chairs Rafferty and Murphy, and Members of the Committee On Education and Cultural Affairs:

My name is Ben Jones and I am the Director of Legal and Policy Initiatives at Lives in the Balance, a non-profit organization based in Freeport founded by Dr. Ross Greene, advocating for vulnerable kids and helping caregivers intervene in safe and effective ways with our model, *Collaborative & Proactive Solutions*.

**We write to express our strong opposition to LD 1248, which seeks to allow unnecessary, dangerous practices in Maine schools including forced physical escorts and freer use of physical restraint and seclusion.**

When 20-A Sec. 4014 became law in 2021, Maine was on the forefront of the national standards to protect students and educators from these unsafe practices. 20-A Sec. 4014 raised the threshold for when a student can be restrained or secluded, squarely addressed the overuse of physical escort, and provided extra protection for students at risk of greater harm. Now, LD 1248, seeks to undo major pieces of 20-A Sec. 4014 and send Maine back to a time when Maine was the highest user of restraint per capita in the country and second highest user of seclusion in the country.

There is a better way to move forward.

**I. Maine Educators Are Clamoring For Training**

Just as across the country, Maine educators and students are having a hard time. The Maine Education Policy Research Institute (MEPRI) March 2023 Report, *Maine K-12 Educator and Administrator Experiences Managing Challenging Student Behavior in Schools* tells the story:

- **52% of Maine educators reported having managed behavior crises** during the 2023–2024 school year and 70% of them managed behavior crises at least monthly;
- Educators report **limited confidence in the effectiveness of available behavior supports** and have few opportunities for professional development related to addressing challenging behavior;
- Educators reported behavior supports intended to prevent challenging behavior from occurring were **slightly to inconsistently effective**;

# LIVES in the BALANCE

- Educators reported behavior supports intended to discourage future occurrences of behavior were **not effective to inconsistently effective**;
- Many educators report a lack of preparation or confidence in positive and preventative behavior supports which means educators are **more likely to rely on ineffective, punitive, or restrictive practices (e.g., suspension, restraint, seclusion) that do not reduce challenging behavior and may exacerbate behavior.**

Maine educators are facing great challenges in safely supporting all the students in their classrooms - kids are presenting with greater mental health needs and the training that they need is not available to them. **Instead of making it easier for educators to physically manage kids, as LD 1248 seeks to do, we should listen to educators and focus on training.**

Educators need and deserve not just any training, but effective training, evidence-based training. De-escalation, crisis management, and behavior-focused approaches such as 'Positive Behavior Interventions and Supports' (PBIS) have been used for decades and are not cutting it. And, unfortunately, the training proposed by LD 1097 - scheduled to be heard by the Committee today - is more of the same. The ten 'de-escalation and behavior intervention trainings' listed in LD 1097 are still focused on behaviors and crises and emergencies and not the root causes - the kids' unsolved problems underlying the behaviors and crises and emergencies.

## II. Proactive Training Can Eliminate the Need for Dangerous, Reactive Practices

Lives in the Balance has worked with countless schools and school systems. So we've been in the trenches, know the tremendous challenges being placed on educators 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.

We find that reducing reliance on restraint and seclusion requires the debunking of a few myths. 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 educators already know the student can't reliably meet. **When educators 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.**

Included with this testimony is a two-page document entitled *The Data Are In* demonstrating the effectiveness of our model, *Collaborative & Proactive Solutions* in two school districts - one large district in Virginia, and MSAD/RSU 75 right here in Maine. In both examples, they were able to dramatically reduce and almost eliminate their use of restraint and seclusion.



### **III. Maine Should Consider A Pilot Project In Evidence-Based Training**

New Hampshire is currently considering HB 653 - The Safe Schools Pilot Project. It is a fully bipartisan bill that passed through both House and Senate education committees unanimously. What started as a bill in 2023 to place cameras in classrooms where kids were being restrained and secluded evolved into a 2024 legislative study on these practices, which led lawmakers to focus on training as the crux of the issue. The 2025 Safe Schools Pilot Project creates a pilot program for schools to access evidence-based training in problem-solving interventions to support educators and kids to reduce the use of restraint and seclusion. A copy of the bill is included with this testimony.

While we applaud the Maine Dept. of Education for promoting a problem-solving approach in the past - it is underutilized. The 'Reducing Restraint and Seclusion In Schools (RR&SS)' project offers free resources on *Collaborative & Proactive Solutions*, but we know of just two school districts in four years that have contacted us through the website's contact form. A greater effort is needed to reach educators.

### **IV. Maine Should Consider Banning Seclusion**

When you hear of educators seeking to use forced physical escorts more freely, it is often to move a student from a classroom and into a seclusion room. Maine should be looking at eliminating the unnecessary and dangerous practice of seclusion, otherwise known as solitary confinement.

Eleven states have implemented seclusion bans. There are seven states (GA, HI, MA, MD, NV, NY, and WV) where seclusion is prohibited for all students in public school. In one state, (DE) seclusion is prohibited for all students, but provides for a waiver process for individual children with school and parental consent. And, in three additional states (FL, PA, and TX), seclusion is prohibited for students with disabilities in public school. Colorado, Missouri, and Washington all have bills this session to ban seclusion in schools.

Thank you for your consideration. I am available to the Committee and staff for any follow up questions.

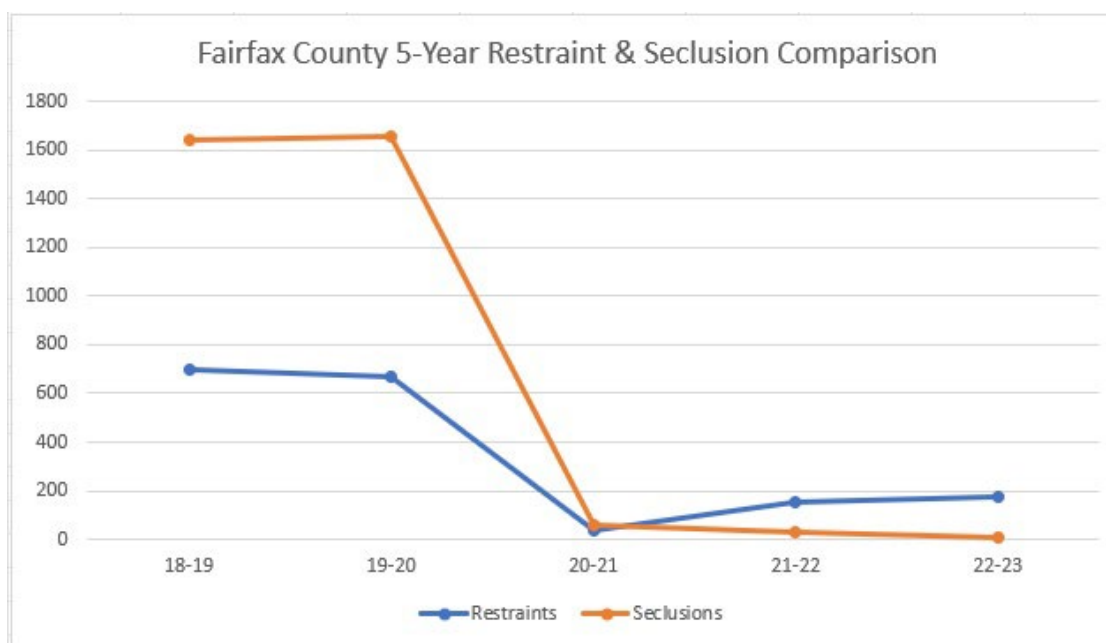
A handwritten signature in black ink, appearing to read "Ben Jones".

Ben Jones, J.D., Director of Legal and Policy Initiatives  
Lives in the Balance  
[ben@livesinthebalance.org](mailto:ben@livesinthebalance.org)

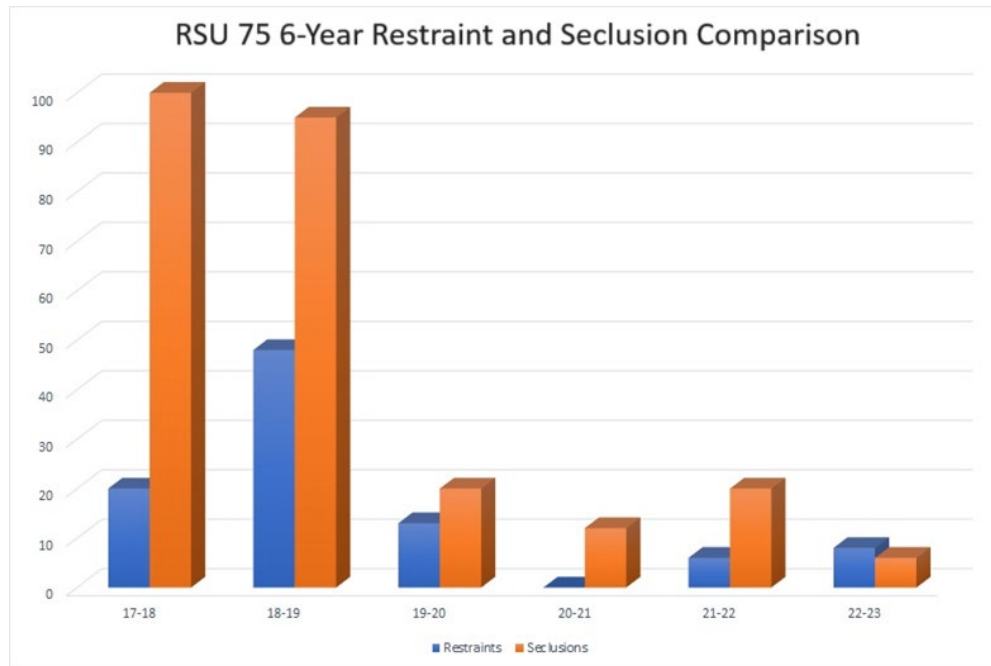
Encl. "The Data Are In," (2 pp.) and NH HB 653, (4 pp.).

## 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.



HB 653-FN - AS INTRODUCED

2025 SESSION

25-0429

05/11

HOUSE BILL

***653-FN***

AN ACT                    establishing a pilot program within the department of education to implement alternatives to restraint and seclusion of students.

SPONSORS:            Rep. Petrigno, Hills. 43; Rep. DeSimone, Rock. 18; Rep. Gregg, Hills. 7; Rep. Grossman, Rock. 11; Rep. Levesque, Straf. 4; Rep. Nelson, Rock. 13; Rep. M. Pearson, Rock. 34; Sen. Altschiller, Dist 24; Sen. Long, Dist 20; Sen. McGough, Dist 11

COMMITTEE:        Education Policy and Administration

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ANALYSIS

      This bill establishes a pilot program within the department of education to implement alternatives to restraint and seclusion of students.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT                    establishing a pilot program within the department of education to implement alternatives to restraint and seclusion of students.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Safe Schools Pilot Project Established.

2            I. There shall be established the safe schools pilot project within the department of  
3 education to develop an evidence-based practice model for alternatives to restraint and seclusion of  
4 students.

5            (a) The pilot project shall provide technical assistance, professional development, and  
6 training for school staff in evidence-based alternatives to restraint and seclusion that focuses on  
7 problem-solving and skill development.

8            (b) For purposes of the pilot project:

9            (1) Programs shall have a designation of "evidence-based" provided by a national  
10 clearinghouse, such as the California Evidence-Based Clearinghouse for Child Welfare used by the  
11 New Hampshire Children's Behavioral Health Resource Center.

12            (2) "Evidence-based alternatives to restraint and seclusion" programs shall be  
13 problem-solving focused; skill-development focused; collaborative as between educators and  
14 students; trauma-informed; proactive; and non-punitive.

15            (3) "Evidence-based alternatives to restraint and seclusion" shall not include  
16 programs that use restraint or seclusion; crisis prevention training; de-escalation training; or  
17 behavior management training.

18            II. The department of education shall administer the pilot project.

19            (a) The department shall disseminate information about the pilot project to all school  
20 districts in the state and shall solicit applications for inclusion in the pilot project. Applications  
21 shall be accepted on a rolling basis.

22            (b) The department shall identify and give priority to applications from the following  
23 types of school districts. If possible, the pilot project shall include at least:

24            (1) Two schools with the highest per capita incidents of restraints and seclusion;

25            (2) Schools in high density population areas and/or with the highest per capita  
26 diversity;

27            (3) Two schools in suburban areas;

28            (4) Two schools in rural areas; and

29            (5) One accredited residential school.

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1 (c) Among the participating school districts, at least one shall be an elementary school;  
2 at least 2 shall have a high density of special education students, such as a public alternative school;  
3 at least 2 shall be middle schools; and at least 2 shall be high schools.

4 (d) The pilot project at each school shall last from 3 to 12 months, beginning in January  
5 2026.

6 III. The pilot project shall include the following reporting requirements:

7 (a) School districts shall report implementation data and findings to the department  
8 every 3 months while participating in the pilot project.

9 (b) The department shall collaborate with the identified vendor to collect the data from  
10 school district participants and analyze outcomes from the pilot project.

11 (c) Beginning 6 months after the effective date of this section, and every 6 months  
12 thereafter for the duration of the project, the department shall provide a report regarding the safe  
13 schools pilot project to:

- 14 (1) The governor's office;  
15 (2) The senate president and chair of the senate education committee;  
16 (3) The speaker of the house and chair of the house education committee;  
17 (4) The office of the child advocate;  
18 (5) The commissioner of the department of education;  
19 (6) The director of the office of social and emotional wellness in the department of  
20 education;  
21 (7) The office of the advocate for special education; and  
22 (8) The oversight commission on children's services established in RSA 21-V:10.

23 (e) The report shall address the following:  
24 (1) Demographics of schools participating in the pilot project.  
25 (2) Historical data on restraints and seclusion in each participating school to include  
26 5 years of restraint and seclusion data.  
27 (3) Historical data on trainings provided at each participating school in the prior 5  
28 years, relating to restraint or seclusion, crisis prevention, de-escalation training, and behavior  
29 management training.

30 (4) A description of the technical assistance and professional development  
31 implemented relating to the evidence-based practice model for alternatives to restraint and seclusion  
32 of students in each pilot project school.

33 (5) Outcomes of the pilot project, including but not limited to: teacher engagement;  
34 data collected on the use of restraint and seclusion in each school during the pilot project; data  
35 collected relating to the use of the evidence-base3 line 7d practice model for alternatives to restraint  
36 and seclusion of students; and pre- and post-survey data from teachers regarding the pilot project.



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1                   (6) Costs and funding options for continued use of the evidence-based practice model  
2   for alternatives to restraint and seclusion of students and possible expansion to other schools across  
3   the state.

4           2 Effective Date. This act shall take effect upon its passage.