

April 23, 2025

Re: Testimony AGAINST LD 1248 "An Act Regarding Physical Escort and Restraint and Seclusion in Schools"

Chair Rafferty, Chair Murphy, Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Alan Cobo-Lewis. I live in Orono. I am director of the Center for Community Inclusion and Disability Studies (CCIDS) at the University of Maine.

CCIDS is Maine's federally funded University Center for Excellence in Developmental Disabilities (UCEDD, pronounced "YOU-said"), authorized by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 ("DD Act"). The purpose of the national network of UCEDDs is to provide leadership in advise federal state and community policy leaders about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life. Part of the federal mandate of CCIDS is to educate and advise policymakers, including members of the state legislature. Consistent with CCIDS responsibilities under the DD Act and consistent with University of Maine Board of Trustees policies [212](#) and [214](#), I am submitting material pertaining to LD 1248 for myself and for CCIDS, not for the University of Maine or the University of Maine System as a whole.

1 Redefining Restraint-in-Motion as Not Being Restraint

Under Maine law, "physical escort" is not considered a restraint—but current law defines "physical escort" as being voluntary. Sec. 1 of the bill (lines 2-5) changes this in a significant way, by striking the requirement that the escort be voluntary. In other words, the bill would exclude restraint-in-motion from being governed by any restrictions on restraint—even the requirement for school personnel to debrief after an incident to discuss whether it was compliant, how to prevent recurrence, what triggered the escalation, and what student and staff can do in future to reduce future incidents! Please strike Sec. 1.

2 Making It Easier to Restrain and Seclude Students

Under Maine law, restraint and seclusion are permissible only in imminent danger of serious physical injury (elaborates on in rule to be less serious than serious bodily injury). Sec. 2 of the bill (lines 8-18) would permit restraint when there is imminent danger of *any* injury. Sec. 2 would thus allow restraint and seclusion in case of imminent risk of non-serious, non-physical injury. That is a very low bar.

Such a change is also unnecessary, as existing rule at [Chapter 33](#) Sec. 2.16 and Sec. 2.18 (page 3 of the rule) already say that protective physical interventions are not restraint (and hence already permissible

even without imminent risk of serious physical injury), elaborating that “Protective physical interventions are used when a student’s actions would be harmful to themselves or others, and involve physical contacts that serve to deflect, block, or redirect the student’s action or disengage from a student’s inappropriate grip, but from which the student could move freely away.”

If there is a concern that restraint and seclusion should be permitted in case of imminent risk of sexual touching then that should be amended into existing statute explicitly instead of creating Sec. 2’s regime that is extremely permissive of restraint.

3 Data Collection

Sec. 3, 4, 5, and 6 of the bill (lines 20-33) would amend data collection requirements so that, instead of only requiring data collection on “serious physical injuries”, it would require data collection on any injury. This is a good change. Even better would be to require both: “The aggregate number of injuries related to ____ and the aggregate number of serious physical injuries related to ____”

4 A Better Alternative

Although students with disabilities are vastly disproportionately subject to restraint and seclusion, the recent MEPRI report on challenging student behavior¹ indicated that “Challenging behavior is as prevalent in the general education population as it is in the special education population in Maine.” This suggests that all teachers could benefit from professional development in evidence-based approaches to behavior. Instead of Sec. 1 and 2 of LD 1248, the Committee should support students and school personnel through [LD 1097](#) “An Act to Provide De-escalation and Behavior Intervention Training for School Personnel”.

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¹ Scheibel, G., Wilkinson, S., Fairman, J. C., & Tariq, A. R. (2025, March). Maine K-12 educator and administrator experiences managing challenging student behavior in schools. Maine Education Policy Research Institute. <https://mepri.maine.edu/files/2025/03/MEPRI-Report-on-Challenging-Student-Behavior-March-2025.pdf>