



**Testimony of Colleen Foley-Ingersoll, MaineHealth
In Strong Support of LD 1248, "An Act Regarding Physical Escort and
Restraint and Seclusion of Students in Schools"
April 23, 2025**

Senator Rafferty, Representative Murphy, and distinguished members of the Joint Standing Committee on Education and Cultural Affairs, I am Colleen Foley-Ingersoll, Senior Director of the Developmental Disorders Services at MaineHealth Behavioral Health. I am a Board Certified Behavior Analyst and Special Education teacher and I have spent my 30-year career in Massachusetts and Maine providing direct services and supervising special education programs. I am here today to testify in strong support of LD 1248, "An Act Regarding Physical Escort and Restraint and Seclusion of Students in Schools" on behalf of MaineHealth.

MaineHealth Behavioral Health's Glickman Lauder Center of Excellence in Autism and Developmental Disorders serves students with autism and other developmental disabilities. These students have been placed in our program due to serious and often dangerous challenging behaviors, which require an intensive school-based treatment program for them to access their education. Without intervention, these children may engage in behaviors such as slamming their head on hard surfaces, gouging their own eyes, pulling a teacher's hair until it causes scalp injury, biting themselves or others, and other highly dangerous actions. These behaviors are the reason they are referred to special-purpose school programs, where we work thoughtfully to manage and reduce these behaviors, helping the child access their education. It is the explicit goal and policy of our organization to use restraint or seclusion only as a last resort, after all other interventions have been exhausted, and when it is the only way to prevent harm to the child or others.

Changing the definition of "physical escort" to include temporary touching or holding of a student's hand, wrist, arm, shoulder, or back to guide them to a safe location, regardless of whether it is voluntary, will help ensure student safety and promote a quicker return to learning. There are times when it is necessary to guide a student away from an unsafe situation. Under the current statute, staff are unable to escort a child to safety if the student does not voluntarily move with the adult. Additionally, there are situations where children resist transitioning from a preferred activity, such as recess, to a less-preferred activity, like math. For students with special needs, the reason for the transition may not always be fully understood, making it more challenging for them to engage in the shift back to learning tasks. This change in definition would allow teaching staff to provide gentle physical guidance, along with reassuring words, to help the child transition more smoothly. Once movement is gently guided, a child who initially resists is likely to transition voluntarily.

Modifying the requirement for imminent danger to specify "imminent danger of injury" rather than "imminent danger of serious physical injury" will provide clearer guidance and reduce subjectivity in decision-making. It is often difficult to predict the severity of injury resulting from a student's self-injurious behavior or an aggressive act toward staff. For instance, a student in our program has hit staff members in the face, sometimes leaving only a red mark, other times causing bruising, and one time, it resulted in a broken nose. The same uncertainty applies to self-injurious behaviors. A student may strike their head on a surface, causing anything from a minor mark or bruise to a concussion. Given that it is impossible to anticipate the exact injury in these situations, allowing staff to intervene when there is an imminent risk of physical injury will enhance the safety of both students and staff.

In summary, LD 1248 will improve safety and support children in maximizing their learning. I urge you to support the legislation before you today and I would be happy to answer any questions you may have.