

TESTIMONY IN OPPOSITION TO

L.D. 1893

AN ACT TO ESTABLISH AN INDEPENDENT OFFICE OF THE CHILD ADVOCATE

May 12, 2025

Senator Ingwersen, Representative Meyer, and members of the Health and Human Services Committee, I am Eileen King, the Deputy Executive Director for Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and the Maine School Superintendents Association in opposition to L.D. 1893, An Act to Establish an Independent Office of the Child Advocate.

This bill prompted substantial mixed opinions among our legislative committees, as school leaders clearly recognize the need for additional oversight of and investment in the state's child welfare process. However, many expressed concerns that this bill may not be the best approach and could have unintended consequences that could create several adverse impacts on schools.

Child safety is of the utmost importance in every Maine school district. School staff are mandated reporters already and take that job very seriously. Data from Maine DHHS has repeatedly demonstrated that reports from school employees are routinely one of the largest sources of investigations into child abuse and neglect. Schools provide substantial mandated training to staff to understand the signs of neglect or abuse and the steps that staff must take to respond. Administrators and educators read every DHHS report they receive and take each one seriously.

School districts across Maine have also heavily invested in school social workers, counselors, and other positions focused on connecting students and families with community resources and basic needs, from housing assistance to SNAP benefits.

For all these reasons, our associations support this bill's goal of taking steps to eliminate any gaps in this process and ensure every student is going home to a safe household. However, MSSA and MSBA have two concerns about L.D. 1893 that we believe could hinder these efforts.

First, this bill proposes a review of any critical incident -- "any incident that may seriously affect the health and well-being of a child in the custody of or receiving services from or arranged through an executive agency." School leaders support this goal, but we have questions about including "any restraint or seclusion of a child" as a critical incident that must be investigated.

Educators across Maine have received and will continue to receive training as they seek to reduce the use of restraint and seclusion. As of now, these procedures are only used in emergency situations, when a student's particular behavior escalates to a point that it is threatening the safety of staff and/or other students in the classroom. Schools are embracing strategies to limit these practices, but they must occasionally be used.

When this occurs, administrators and parents must be quickly notified, and a report must be filed and shared with the parent. State rules already carefully regulate how restraint or seclusion may occur. Schools, educators and families work collaboratively to respond and promote positive interventions, and we expect requiring an investigation into every one of these incidents may only lead to more conflict. We believe this provision in L.D. 1893 is unnecessary, burdensome and should not be included.

More broadly, school leaders believe that changes are needed to ensure DHHS truly meets the need of every Maine child, but we question whether the addition of a new office is necessarily the best approach. Superintendents know of many, many situations in which they have called DHHS about students or situations, yet the agency often would not intervene until much later, if at all. A lack of case workers has hampered the agency's work, and based on our first-hand experiences, we believe that more people are needed on the ground to respond and help our children more quickly.

Our associations would be in support of that approach and believe that, as currently written, L.D. 1893 would not achieve the same goals. For these reasons, we respectfully ask you to reject this bill.