



2025-2026 Officers

President

Dr. Debora Murphy
RSU 2

President Elect

Jody Raymond
Stillwater Academy

Vice President

Dr. Kathryn Hawes
MSAD 6

Secretary

Angela Moore
Brewer School Dept

Treasurer

Cheryl Mercier
RSU 18

Past President

Lesley Snyer
RSU 87

Staff

Gay Anne McDonald
Executive Director

Tammie L. Hersom
Admin. Assistant

Testimony in Support of LD 2172: Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Governing Physical Restraint and Seclusion, a Major Substantive Rule of the Department of Education, State Board of Education

Senator Rafferty, Representative Murphy, and Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs, The Maine Administrators of Services for Children with Disabilities (MADSEC) supports LD 2172, which updates Chapter 33 rules to align with statutory changes enacted during the 132nd Legislature, First Regular Session. Alignment between statute and rule is essential for clarity, consistency, and appropriate implementation in Maine schools, particularly in an area as sensitive and consequential as physical intervention. We have heard no confusion or concern with the statutory language changes made through the enacted legislation, LD 1248, by our members working directly in Maine preschools, elementary or secondary schools.

MADSEC recognizes there has been some concern raised by other stakeholders regarding the statutory change removing the word “voluntarily” from the definition of physical escort. Specifically, there is concern that this change allows for reduced reporting or for students to be physically picked up and removed. Professionals who may implement physical intervention under Chapter 33 are trained not only in the rule itself, but also through state-approved training programs, such as QBS Safety Care or Crisis Prevention Institute (CPI). These programs explicitly prohibit carrying students except in rare circumstances where a student is in immediate danger, such as entering a roadway. In those situations, removing a child from danger reflects a protective response that most members of the general public would instinctively take. When incidents of this nature occur, standard school practice is to notify parents promptly, regardless of whether formal reporting is required.

This statutory change allows staff to intervene earlier and more appropriately with the goal of preventing escalation to more restrictive interventions. Physical escort is clearly defined in statute and distinct from physical restraint. Professional training emphasizes that a physical escort may become a physical restraint, and in those circumstances, triggers all applicable reporting requirements without exception.



Most importantly, MADSEC remains deeply committed to reducing the use of restraint and seclusion in Maine schools. We continue to partner with national and international experts to provide professional learning to school personnel on the systems, structures, and practices that prevent crises and support students proactively. We strongly encourage the Maine Department of Education and the Maine Legislature to prioritize funding and resources that provide schools with on-site, long term training and coaching in the implementation of evidence-based, pro-active practices with fidelity. Sustainable reduction in restraint and seclusion requires investment in training, coaching, and supportive infrastructure.

In closing, MADSEC respectfully supports LD 2172 and the proposed Chapter 33 rule changes for clarity and consistency to align with the passed legislature in the 1st session of the 132nd.

Thank you for your service and time on this very important issue.

Respectfully,

Gay Anne McDonald

Gay Anne McDonald
Executive Director
MADSEC

