



Maine Developmental Disabilities Council

April 23, 2025

Testimony in Opposition Against of LD 1248 – An Act Regarding Physical Escort and Restraint and Seclusion of Students in Schools.”

Senator Rafferty, Representative Murphy, and members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Nancy Cronin, and I am the Executive Director of the Maine Developmental Disabilities Council (MDDC).¹ Please accept this testimony **in opposition** to An Act Regarding Physical Escort and Restraint and Seclusion of Students in Schools.”

MDDC is in strong opposition to this bill. It seems like a minor language change but it actually dramatically changes Chapter 33.

This bill shifts physical escort from not being a restraint, because it is voluntary, to being a restraint without any of the oversight protections required within Chapter 33 that exist for all the other types of restraints. Further, the bill significantly weakens when restraints are allowed. Restraints are serious and should only be used when there is a serious risk of injury to self or others. We oppose both these changes.

Chapter 33 requires providing schools technical assistance yet does not provide the resources to actually implement the assistance. Making it easier to restrain and seclude children yet not providing schools the technical assistance to manage challenging behaviors makes no sense.

Making it easier to restrain is reactive and might not solve the problem. Further, there may also be fiscal unintended consequences. We all want to leverage Medicaid dollars to schools in a streamlined fashion that minimizes audit risk and paperwork. It is not legal to bill Medicaid for anytime within a restraint. some unintended physical barriers.

MDDC is very concerned about the increase in challenging behaviors occurring in our schools. It is critical that the legislature supports schools with reliable change. The first step in that would be to allocate resources to meet the technical assistance requirements. Please amend LD 1248 to include those resources.

Thank you for this opportunity to speak.

¹ Councils on Developmental Disabilities were created through the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) in 1970. Maine's DD Council has been advocating for individuals with developmental disabilities for over 50 years. The DD Council is a federally funded, independent organization with members from across the state, including persons with disabilities, family members, and representatives of public and private agencies which provide services and/or funding for services for individuals with developmental disabilities. As required in federal law, we are involved in advocacy, capacity building and systemic change activities, with the goal that individuals with developmental and other disabilities of all ages are fully included, integrated, and involved in their communities and the decisions impacting their lives.