



Maine Developmental Disabilities Council

May 3, 2021

Testimony in Support of LD 1373 “An Act To Keep All Students Safe by Restricting the Use of Seclusion and Restraint in Schools”

Senator Rafferty, Representative Brennan and the distinguished members of the Joint Committee on Education and Cultural Affairs. My name is Nancy Cronin and I am the Executive Director of the Maine Developmental Disabilities Council (DD Council)¹.

Restraint and Seclusion are emergency, crisis level practices that, in Maine, are being used on a routine basis. Restraint and seclusion harm and traumatize students. Every year children who experience restraints also experience broken bones, damaged joints and death. Restraint and seclusion also harm the students that witness these procedures as trusted teachers and other adults violently use hands-on strategies to subdue another child. Professionals who perform the restraint and seclusion also experience not only moral harm but often physical injury from the event. Using restraints and seclusion as a therapeutic technique is ineffective, cruel, and archaic.

Frankly, Maine is in crisis. It is only a matter of time until a child dies - because Maine restrains more students per capita than any other state in the nation. In

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 (DD) for over 40 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 law¹, our purpose is to promote systems change to ensure that all individuals with developmental disabilities are able to live and fully participate in their communities of choice. Working in partnership with people with disabilities, parents, advocates, and policy makers, Maine's DD Council works to promote the independence, integration, and inclusion of all people with disabilities through advocacy, capacity building, and systems change activities throughout the state of Maine and on the national level. The DD Council's mission is **to create a Maine in which all people are valued and respected because we believe communities are stronger when everyone is included**. The Maine DD Council employs four full-time staff who are responsible for all of the internal projects, external grants, and business of the Council.

addition, Maine secludes students at the second highest rate in the country.² Why is that?

And according to the Office for Civil Rights, 90% of those restraints and seclusions are performed on children with disabilities.³ This is significantly more frequent than other States.

Why is that? How can we rationalize such disturbing numbers? Why is Maine an outlier in these dangerous practices? The only thing I can think is that this violence has become cultural. That, in and of itself is very dangerous.

Our teachers, science, and nation know that there are better and more effective ways of teaching children appropriate behavior. Other States understand this. It is time for Maine to adopt these practices as well - even if it means that our professionals and the culture in our schools will have to change.

This bill:

- Provides meaningful guidance around when restraint is allowed.
- Codifies that all schools, including special purpose private schools, are required to share data on the use of restraints and seclusion so that trends can be identified.
- Eliminates seclusion.

What does this bill not do? It does not prevent restraints when a child is at risk of hurting himself or others. That is an emergency. It does not prevent someone from grabbing a child to prevent him or her from running into traffic. That is an emergency. It does not prevent stopping a child from hitting. That is an emergency. It does not prevent common-sense, necessary responses to a great many emergencies.

² Maine schools restrain more than 5 out of every 1000 students. This is the highest rate in the nation and over 3 times the national rate. Maine schools seclude 4 out of every 1000 students. This is the 2nd highest rate in the nation and 8 times the national rate. These statements are based on data drawn from USDOE, Office For Civil Rights, Civil Rights Data Collection, 2017-18, available at <https://www2.ed.gov/about/offices/list/ocr/data.html> ; and, USDOE enrollment data, Fall 2017, available at https://nces.ed.gov/programs/digest/d19/tables/dt19_203.20.asp ; and, Jodi S. Cohen, ProPublica and Jennifer Smith Richards, Chicago Tribune, "The Quiet Rooms, National Ban on School Use of Seclusion and Restraint of Students Introduced in Congress," Nov. 19, 2020, available at <https://www.propublica.org/article/national-ban-on-school-use-of-seclusion-and-restraint-of-studentsintroduced-in-congress>

³ U.S. DOE, Office for Civil Rights, Civil Rights Data Collection, 2017-18, available at <https://www2.ed.gov/about/offices/list/ocr/data.html>

Nor does this bill does not prevent a time out in which a child needs to take a break. That is not seclusion, it is time out.

This bill simply stops barbaric practices under the guise of therapy. Similar language is being proposed in the Keeping All Students Safe Act wending its way through Congress at this moment.⁴ Many States have already banned seclusion ahead of a federal mandate. It is past time for Maine to join those States and stop the culture of violence that we have allowed to continue for so long on our children. It is past time to give our teachers the tools they need to stop relying on restraint and seclusion - the positive behavioral techniques that are proven to work and have transformed other schools around the country. We owe our children the empathy and transformation these techniques produce – not the trauma and hurt of being held down and locked away.

Thank you, Representative Millett, for proposing this very critical bill. I ask this committee to vote Ought to Pass.

⁴ See: H.R. 8782 (listing seclusion as a prohibited action), <https://www.congress.gov/bill/116thcongress/house-bill/8782?s=1&r=77>