

For the public hearing date: 05/04/2021

To: Senator Rafferty, Representative Brennan, Members of the Educational and Cultural Affairs Committee.

Re: In support of LD 1373 An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools.

My name is Deb Davis, and I am a mom to two amazing young people in Falmouth. It was because of my 5-year-old son's experiences with restraint and seclusion (R&S), and then as a Chapter 33 Stakeholder who revised the rule governing the use of R&S, that I became a Non-Attorney Education Advocate.

When Chapter 33 became law in 2013, it established standards to provide for the safety of all individuals, and that R&S may only be used as an emergency intervention when the behavior of a student presented a risk of injury or harm to the student or others. It also required superintendents review the cumulative R&S reporting and identify those areas that can be addressed to reduce the future use of R&S.

Unfortunately, the data shows that Maine schools continue to increase the use of these emergency interventions, every year since reporting the data. It is also so concerning that the recent Civil Rights Data Collection shows Maine restrains more students per capita than any other state in the country, secludes students at the second-highest rate in the country, and that students with disabilities continue to be subjected to these interventions at extremely higher rates.

Chapter 33 states that staff must continuously assess for signs that the student in R&S is no longer presenting a risk of injury or harm to self or others, and then R&S must be discontinued as soon as possible. **It is important to note that it is currently prohibited by Chapter 33 to use R&S for punitive purposes, staff convenience or to control challenging behavior. LD 1373 does not take away the ability for school staff to use physical restraint as an emergency intervention, it restricts its use.**

Every student should feel safe at school but sadly, this is not always the case. When our son was restrained and secluded, I learned that the experience was not only traumatizing for our son, but also for his Dad and me. I also learned that sometimes when my son would not move during a transition, 2 adults physically moved him while he was kicking and screaming, down a flight of stairs, to leave him alone in a seclusion room made of plywood. Sometimes the school notified me about these incidents but sometimes they did not. To this day, my heart skips many beats whenever I get a phone call from the school.

You can read more about the history here

<https://bangordailynews.com/2011/10/28/education/use-of-restraint-%E2%80%99timeout-rooms%E2%80%99-in-maine-schools-being-re-examined/>

My world totally shifted when I learned that across the country, some students had died from the unsafe use of restraint and when students were left alone in a seclusion room. Thankfully, I also learned about Ross Greene's Collaborative and Proactive Problem Solving (CPS) approach and other supportive interventions that could be considered way before an emergency incident ever happened.

In late 2012, "The Keeping All Students Safe Act" (KASSA) was first introduced in the U.S. Senate to limit the use of R&S. Senator Harkin stated back then, "Every child should be educated in a supportive, caring, stimulating environment in which they are treated as an individual and provided with the tools they need to succeed. They should never be subjected to abusive or violent disciplinary strategies or left alone and unsupervised. This bill will set long-overdue standards to protect children from physical and psychological harm and ensure a safe learning environment for teachers and students alike."

As an advocate, I know about psychological harm caused by R&S to students with disabilities. For some students and their parents, panic begins before walking into school. Some students who are no longer attend their home school, insist their parents never drive past their old school. Some students have been deeply emotionally wounded and still have nightmares, years later.

If you have a little over 2 minutes, please view the movie trailer about The Kids We Lose, produced by Ross Greene. <https://www.thekidswelose.com/>

While I am hopeful that Congress will again heed the call to pass the federal KASSA, I am also hopeful that Maine will demonstrate the leadership needed to better protect our Maine students, especially our students with disabilities.

Many people have worked together to collaborate on this bill, and I am so grateful to have been able to be part of the efforts. **I urge that we all continue working together and commit to using supportive interventions to respond to serious challenging behaviors. I urge this committee to pass LD 1373 to restrict and reduce the use R&S!**

Thank you for your time and consideration about this important bill.