



Maine Developmental Disabilities Council

11 May 2021

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Testimony NFNA LD 1373 "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools"

Senator Daughtry, Representative Brennan, and the distinguished members of the Committee on Education

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 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.

My name is Rachel Dyer, and I am the associate director of the Maine Developmental Disabilities Council. Most of my work in that role is related to issues of adults with developmental disabilities, and it is from that perspective that I offer MDCC's offers additional thoughts related to the use of restraint and seclusion in schools.

Some of the children who are being restrained and secluded in schools go on to receive adult developmental services. A small number of people who receive adult developmental services have "severely intrusive behavior support programs" in which planned restraint is a component. Another unknown number are subject to so-called emergency restraints. For no other community dwelling adult population is it permissible to respond to undesirable behavior with restraint.

While, like in schools and the children's system, little data is available regarding the use of restraint, it is the experience of advocates that the overwhelming majority of people experiencing those behavior plans have numerous ACES are related untreated trauma. Many others have ineffective communication systems and supports and still others have inadequately treated health issues.

There is no data available regarding the experience of aversive behavior management practices that have been experienced by population of young adults who have transitioned from public education to adult developmental services. Given the disproportionate use of these practices on children with disabilities, particularly those in special purpose schools, as well as the stories told by adults with developmental disabilities and their families, it is likely that a large proportion of those experiencing restraints as adults experienced it as children. Instead of being taught effective strategies for coping, communication, and self-regulation by a system that is charged to do just that, they are subject to violence at the hands of their caregivers.

Interestingly, and relevant to LD 1373, seclusion is a prohibited practice in adult services. In my decades of working in the field of adult developmental disabilities, I have not ever heard a team of professionals opine, wishing that were an option. They simply worked with the strategies that were at their disposal, This speaks to an adage that I was taught early in my career. I was working with recently deinstitutionalized adults with behavior challenges, of the sort that if they appeared in today's system would almost certainly be responded to with restraint, but since we didn't yet know about that we just had to figure something else out. We had a consultant who like to say that "if the only tool you have is a hammer, everything looks like a nail". That is as true today as it was 25 years ago. I urge you to consider that there ARE effective, humane options for addressing challenging behavior that do not include seclusion and restraint. And that Maine's children deserve the chance to grow into adulthood learning with those alternative.

Thank you for this opportunity to testify.

A handwritten signature in black ink, appearing to read "Reed O.", with a stylized flourish at the end.