

To: Senator Rafferty
Representative Brennan
The distinguished members of the Joint Standing Committee On Education and Cultural Affairs.

From: Richard Farnsworth

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

Thank you for this opportunity to share with you a little bit of history and thinking behind this bill. During the last session of the legislature it was brought to my attention that the reported incidents of the use of restraints and seclusion techniques, to provide behavior management in the schools and other covered entities, was showing a significant and worrisome upward swing. Given the availability of new effective techniques that are seen as alternatives to the use of these more restrictive methods it was felt that these numbers should be declining as opposed to increasing. In addition and our primary concern was for the children that were being subjected to these potentially traumatizing situations. Well known research around Adverse Childhood Experiences' made it seem that what was happening might qualify as such for these children.

Another factor that was noticed was that there were significant gap sin the reporting. While some of the schools and other covered entities were reporting there were others that were not. The concern there was around what the unreported numbers would do to the increasing numbers had they been reported and why they were not reporting their incidents.

In response to these concerns I submitted LD 1376 which sought to improve some of the criteria for reporting, improve the consistency of reporting and provide the Department of Education with some resources so that they could provide increased technical assistance to the covered entities that were experiencing the increases in their incidents of the use of both restraint and seclusion. The long term goal was to eliminate the use of seclusion altogether and to reduce to a minimum the use of restraint with our children.

The good news was that after working with the Dept. and with some amendments, the bill passed out of Committee. The bad news was that it had a fiscal note that put it on the Appropriations Table and it carried over to the second half of the session. At this point in time we all know what happened to all of the bills on the Table with the COVID invasion: it died a quiet death.

LD 1373, as amended, tries to accomplish some of the same goals without the additional cost. While not as detailed as 1376 the required reporting to the Department is there with the recognition that the public needs to know the numbers. By expanding the definition of "covered entities" it has broadened the number of organizations or providers that need to provide their data to the Dept.. In addition, it also charges the Dept. with the evaluation of the data and to provide technical assistance, within current resources, to those requesting support.

This legislation is seen as a step toward the vast improvement in the quality, quantity and consistency of the data on which the Department can better assess the needs and propose steps to meet those needs. LD 1373 is not a magic wand and in no way would I present it as such. However, it is a step in the right direction of trying to assess more completely the problem so that we can take steps to resolve it. We

need to keep in mind that each incident of restraint and seclusion are adverse experiences that can be traumatic and may have long term and devastating results for the child. That is not something that those who are charged with the oversight of our educational institutions want to allow to continue without attempts to create a positive and less traumatic educational environment.

I urge you to support the amended version of the bill as a step toward a better understanding of the problem and a direction to addressing it to create a more positive learning environment for our kids.