

Elisa Hegg
York

I am writing to express my concern with LD 1373 An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools as it is currently written. While the aims of the bill are likely well intended, I feel, based on my 20+ years of working with individuals with extremely challenging behavior, that the outcome will be harmful in a variety of ways.

I will share my experience with one student. I will call him William. He arrived at the residential school where I was working after biting his public school teacher on the breast. He was a tall, strong, 13-year-old at the time. He continued to engage in highly aggressive behavior, including biting, several times per week, as well as other dangerous behavior, such as attempts to jump from a moving vehicle. We were able to determine, through a functional behavior assessment (FBA), that almost all of William's challenging behavior was to get attention- including the sort of attention he got from difficult, prolonged, multi-person restraints. The use of seclusion (in a careful, monitored and safe way) allowed us to keep William and those around him safe while he was having a behavioral crisis. Not only that, because his challenging behavior no longer resulted in the attention he craved, he was able to learn other ways to interact with his environment. Over time he stopped engaging in highly dangerous behavior. He was able to get a job in the community, and move from the high-staff ratio home, to a low-staff ratio home to prepare for the transition to adulthood. Had we not had the option to use a safe seclusion room I have no doubt that his path would have been very different, and his options for the future limited.

There should certainly be rules surrounding the safe use of seclusion and restraint, as well as consistent definitions across school, paired with reporting. However, complete prohibition will result in an increase in restraints, as safety must still be maintained for the individual having a behavior crisis, and those around them. This increases the possibility for harm in the moment, and longer-term will limit the schools and other placements that will accept a student with a profile that includes dangerous behavior.

I strongly encourage you not to pass this legislation out of committee. At the very least it needs further study to ensure that in fact all students are kept safe, through the use of effective education and treatment.

Regards,
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