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Cumberland

Maine Joint Standing Committee on Education and Cultural Affairs

April 30, 2021

Testimony in support of LD 1373, An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools, as amended.

Distinguished Committee Members,

I am writing in support of the amended LD 1373 and want to thank you for your work in advancing legislation that keeps our Maine students safe.

As a school psychologist who has worked within Maine public schools for over 45 years, I appreciate the challenges confronting educators with regard to maintaining safe and respectful learning environments. We have learned a lot over the years about structures and practices that work to promote safe and supportive schools and those that do not work, but in fact are discriminatory and harmful.

Restraint and seclusion do not work. There is no evidence which supports their use as a therapeutic treatment or intervention that promotes improved outcomes. In fact, we know that students who experience seclusion and/or restraint do not learn any proactive skills, do not develop or maintain more positive relationships, have not increased their capacity to function well within their environment. In fact, these students are often traumatized; further experiencing distrust, fear stress and isolation. Not only are the students traumatized, so are the staff who participate in a restraint or seclusion and certainly the parents who feel powerless, knowing their child has been unable to communicate their needs effectively.

We also know that students with disabilities are disproportionately affected by the use of seclusion and/or restraint. These vulnerable students require our most positive and effective interventions/supports. The US Department of Education/Office for Civil Rights 2017 – 2018 data indicates that Maine schools restrain students at the highest rates of any other state and at rates significantly higher for students with disabilities than for students without disabilities.

We do know that there are effective practices and programs that work. Well-researched, evidence-based ones such as Multi-Tiered Systems of Supports (MTSS), Positive Behavioral and Intervention Supports (PBIS) create whole school approaches for a safe and supportive school climate, develop positive and effective discipline structures, emphasize social-emotional-behavioral learning, and provide access to school mental and behavioral health services.

Implementing constructive approaches requires all our support; a commitment by administrators, educators, and specialists, the support of parents, and funding for evidence-based, trauma informed-practices, including professional development.

Yes, there will be occurrences where there is a crisis of imminent danger, necessitating a restraint in order to ensure the safety of the child and/or others. The guidance articulated in the amendment of LD 1373 addresses those situations, providing clarity around the criteria for emergency use.

With increased attention, commitment and investment in ensuring positive social-emotional-behavioral development for all Maine students, the use of seclusion and restraint in our schools could and should be eliminated.

Respectfully submitted,

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