

TESTIMONY OF MICHAEL KEBEDE, Esq.

**LD 1373 – Ought to Pass**

**An Act To Keep All Maine Students Safe by  
Restricting the Use of Seclusion and Restraint in Schools**

Joint Standing Committee on Education and Cultural Affairs

May 4, 2021

Senator Rafferty, Representative Brennan and members of the Joint Standing Committee on Education and Cultural Affairs, greetings. My name is Michael Kebede, and I am policy counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members, we urge you to support this bill.

If passed, this bill would ban the use of seclusion and physical and chemical restraints of students by schools and other entities. It would also require the Department of Education to monitor, evaluate, and report annually about the use of restraints in schools across Maine. These reforms would make our schools more equitable, and our most marginalized young people more likely to lead thriving lives.

Seclusion and restraint of students produce terrible long-term consequences. The negative academic and psychological impacts of seclusion and restraint are well-established. Aside from such policies failing to achieve their purpose—to deter behavior, reduce classroom disruption, and improve school climate—they hinder academic progress, decrease academic engagement, and increase the risk of dropout, contact with juvenile justice, and future behavioral infractions.<sup>1</sup>

---

<sup>1</sup> See Jason H Craig, Kimberly L. Sanders, *Evaluation of a Program Model for Minimizing Restraint and Seclusion*, *Advances in Neurodevelopmental Disorders* (2018) 2:344–352, <https://doi.org/10.1007/s41252-018-0076-2> (“Trauma-informed, less restrictive treatment methods provided safer treatment for individuals with a variety of disabilities, while increasing mastery of individualized goals. It also saved the organization over \$16 million in lost time expenses, turnover costs, and workers’ compensation policy costs.”)

Moreover, national data indicate that restraint and seclusion are still disproportionately used on students with disabilities and students of color. According to the U.S. Department of Education's 2015-16 Civil Rights Data Collection, while students with disabilities made up 12 percent of enrolled students in the nation, they made up 66 percent of students subject to seclusion and 71 percent of students restrained.<sup>2</sup> Additionally, while Black students make up 15 percent of all students across the nation, they made up 23 percent of students secluded and 27 percent of students restrained.<sup>3</sup> Seclusion and restraint serve to push these students out of the general education classroom, drastically reducing chances for success later in life. At last count, 122,000 students across the nation were restrained in one school year. Thirty-six thousand were locked up in small rooms — some of them the size of coffins — and left there.

Maine must live up to its motto and be an example to other states. We urge you to vote *ought to pass*.

---

<sup>2</sup> 2015-2016 Civil Rights Data Collection, School Climate and Safety, U.S. Dept. of Ed. office of Civ. R., <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>

<sup>3</sup> *Id.*