

**Testimony of Betsy Mahoney, Community Outreach Coordinator,
Autism Society of Maine, in Support of LD 1373, An Act to Keep All Students Safe
By Restricting the Use of Seclusion and Restraint in Schools**



72B Main Street
Winthrop, ME 04364
www.asmonline.org
1-800-273-5200 or 377-9603
Fax 207-377-9434

Good morning Senator Rafferty, Rep. Brennan and members of the Education and Cultural Affairs Committee. My name is Betsy Mahoney, and I am the Community Outreach Coordinator of the Autism Society of Maine. I am also the parent of a 30-year-old man with autism, intellectual disabilities and a mental health diagnosis who lives in a group home. I am testifying today on behalf of the Autism Society in support of LD An Act to Keep All Students Safe By Restricting the Use of Seclusion and Restraint in Schools.

In some American schools, restraint and seclusion are used against students who are “acting out.” These tactics are more often used on disabled students than on their nondisabled peers. Restraint and seclusion are dangerous and traumatizing, particularly if school staff has been inadequately trained. Our children are stuck in a crisis with no management plan.¹

In Maine, restraint and seclusion are over-used in schools in response to behavior that is often a manifestation of a student’s disability, rather than an intent to cause harm to teachers or others. [Disability Rights Maine released a report in 2019](#),² which found that Maine students are restrained and secluded at rates over *four to eleven times the national average*.

A federal bill is necessary to establish minimum standards for states to protect children from the unacceptable use of these methods and set up a structure to prevent future abuse. Such a bill, [S 4924 Keeping All Students Safe](#) Act, has been introduced in the U.S. Congress.³ The Keeping All Students Safe Act would make it illegal for any school receiving federal taxpayer money to seclude children and would ban dangerous restraint practices.

Maine Attorney General Aaron Frey was one of 17 state attorneys general to sign a letter urging “Congress to enact the Keeping All Students Safe Act (KASSA). “As state Attorneys General tasked with protecting the rights of our constituents, we ask Congress to eliminate these detrimental disciplinary tactics which endanger the physical and psychological well-being of our nation’s children.”⁴

The attorneys general letter also notes that the act would ban “inherently dangerous behavior interventions that have no therapeutic or educational value, may exacerbate existing mental health conditions, and can cause long lasting emotional trauma.”⁵

¹ The Crisis of trauma and Abuse in Our Nation’s Schools,
https://cdn.ymaws.com/www.copaa.org/resource/resmgr/docs/2020_docs/restraint_and_seclusion_pape.pdf

² <https://drme.org/assets/brochures/CH33.Report.FINAL.2019.pdf>

³ <https://edlabor.house.gov/media/press-releases/top-democrats-unveil-bill-to-protect-students-from-dangerous-seclusion-and-restraint-practices>

⁴ https://portal.ct.gov/-/media/AG/Press_Releases/2021/KASSA_Letter_to_Congress_FINAL.pdf

⁵ “The evidence is clear that seclusion and restraint can escalate negative behaviors by increasing children’s arousal, deepening negative behavior patterns, and undermining children’s trust and capacity for learning.”

Until the national bill is enacted, Maine must enact its own bill to protect students and require that schools and other covered entities report to the state instances of restraint and seclusion keep accurate records of such instances.

The amended version of LD 1373, which has been offered by the sponsor, Rep. Millett, would:

- prohibit “seclusion,” which is involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Please note that the amended version of the bill states that “seclusion” does not include a “time out”
- simplify the original bill by requiring that schools make annual reports to the Department of Education about incidents of physical restraint and then requiring the Department to make all of that data public
- ensure that the reporting requirements apply to all students, not just students with disabilities
- provide additional language surrounding the use of restraint that is taken from the current draft of the federal Keeping All Students Safe Act

I would point out that most of the language in this bill already exists in rule, so the bill would make it part of statute.

LD 1373 is not meant as the final solution to the problem of the overuse of restraint and seclusions. The idea is to ban the use of seclusion, chemical restraints and certain physical restraints, and to assess the scope of the problem so that we can take steps to resolve it. There are other ways to manage students who are dysregulated. We just need a will to change.

I urge you to support the amended version of LD 1373.

Hearings Before the Senate Comm. On Health, Education, Labor, and Pensions, 112th Congress (2012)
(testimony of Daniel Crimmins, Director, Center for Leadership in Disability at Georgia State University).

