



HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: MAINE RELAY 711

Rebecca Millett

P.O. Box 6288
Cape Elizabeth, ME 04107
Residence: (207) 415 - 3770
Rebecca.Millett@legislature.maine.gov

May 4, 2021

Testimony of Rep. Rebecca Millett presenting
LD 1373, An Act To Keep All Maine Students Safe By Restricting the Use of Seclusion and Restraint in Schools
Before the Joint Standing Committee on Education and Cultural Affairs

Good morning Senator Rafferty, Representative Brennan and esteemed colleagues of the Committee on Education and Cultural Affairs. My name is Rebecca Millett and I represent House District 30 which is most of Cape Elizabeth. I am honored to present for your consideration **LD 1373, An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools.**

According to the most recent data from the United States Department of Education (USDOE), Maine restrains more students per capita than any other state and secludes students at the second-highest rate in the country. For 2019, MDOE reported that over 22,000 restraints or seclusions were used by Maine schools. In Maine, at least 90% of seclusions and restraints involve students with disabilities (vs. 78% nationally).

In February of last year, the ACLU submitted a letter to Congress that stated:

“The effects (of restraint and seclusion) include substantial and disproportionate physical and emotional injuries and disruptive exclusions from the educational process. The use of unnecessary restraint and seclusion by federally funded schools—either directly or through contractual arrangements with private special education schools—has no pedagogical basis, discriminates against students with disabilities, and impairs the educational objectives of public schools with respect to children with disabilities. Often, restraint and seclusion is carried out because of inadequate teacher training, a desire to punish a student on the part of school personnel, or bias against students with disabilities, students of color or those students who fall into both categories. This is not how we should treat our children. They deserve better.”

Just this year, Maine’s Attorney General Aaron Frey signed on with 17 other AGs in support of making it “illegal for any school receiving federal funds to seclude children and would ban mechanical, chemical and supine restraint as well as practices that restrict breathing, including prone restraint.” The letter states “Isolated confinement and the restraint practices... are inherently dangerous behavior interventions that have no therapeutic or educational value, may exacerbate existing mental health conditions, and can cause long lasting emotional trauma”.

The Maine Department of Education has developed a strong technical assistance program for districts to implement approaches to social emotional learning and student support best practices. There are alternatives that are safer and more educationally appropriate for districts to utilize. These approaches help avoid escalating behavior and avoid a crisis in which adults feel the need to use restraint and/or seclusion. We have a much better understanding of how dysregulation, trauma and sensitivities to light, sound and touch can impact children's behavior. In instances when the student's behavior poses an imminent danger of serious physical injury to the student or others, this bill recognizes that physical restraint may be necessary and should be used with the least amount of force required to protect the student and/or others and end immediately when the danger subsides. But when this is not the case, the default should not be to use these last resort actions to the detriment of the child.

It's time we take this issue seriously, stop acting as though this is acceptable normal procedure for children in special education programs and keep all of our children safe.