

April 30, 2021

Dear Senator Rafferty, Representative Brennan, and Members of the Education and Cultural Affairs Committee,

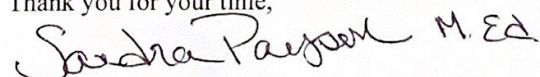
I am writing today to express my concerns regarding the proposed *Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools, L.D. 1373*. I have taught and consulted to students with significant disabilities in both private and public school settings for 25 years, with the last 22 years in Maine public schools. Some of the proposed changes put forth in this legislation pose significant safety risks to students and school employees, the very thing this act is looking to prevent. The proposal to ban the use of seclusion is the change I find the most concerning. In my career, I have worked with some of the most behaviorally challenging students in this state. There have been situations when a seclusion was the safest intervention for the student. Without this intervention available to trained educators, I foresee an increase in injuries to students and staff. I also predict an increase in out of district placements for some of these students due to the fact that their safety cannot be maintained in the public school setting.

Chapter 33 currently has strong language regarding when seclusion can and cannot be used and states staff implementing the seclusion must be trained or immediately summoned. Section 5-1A states, "Seclusion may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate." This definition makes it clear seclusion can only be used in emergency situations AND when other less intrusive methods weren't effective. Section 5-1B clearly states seclusion cannot be used for punitive reasons, to control challenging behavior, to prevent property damage, or in a locked room. Section 4 provides a detailed description of termination criteria stating staff discontinue the intervention when the student is no longer engaging in unsafe behavior. Special educators are highly trained professionals who work tirelessly to ensure student safety. Please allow them to continue to use interventions they deem necessary in unsafe situations. Without interventions that are at times necessary, their ability to keep students safe is diminished.

Another proposed change of concern is Section H-5: *Physical restraint that interferes with the student's ability to communicate in the student's primary language or primary mode of communication*. Some students utilize technology devices to communicate while others use American Sign Language (ASL). This change would make it necessary for staff to have the technology device available to a student during a physical restraint and for a student to have the ability to use their hands for ASL. This change would make the physical restraint ineffective and therefore increase the risk of injury to the student and staff. As outlined in Chapter 33, physical restraints are terminated when the student is no longer engaging in unsafe behavior. The device would be available to the student upon termination of the restraint and the student would be able to use their hands for ASL.

Educators do not use these restrictive interventions lightly. Student safety is ALWAYS the primary focus in any situation. As a highly trained professional, I recommend these changes not be adopted. Allow educators to do what you have entrusted them to do and what they have been trained to do, keep all students safe.

Thank you for your time,



Sandra Payson, M.Ed.

Behavior Consultant, MSAD #6