

May 3,2021

To the Joint Committee on Educational and Cultural Affairs, my name is Jody Raymond and I am writing this testimony as a representative of Maine's Special Purpose Private Schools (SPPS). In meetings with a cross section of other SPPS directors, we unanimously oppose LD 1373. We recognize the need to keep all students and staff safe while in school settings and feel that this proposed legislation hinders our ability to support students, in particular, students struggling with the ability to self-manage violent and aggressive behaviors.

LD1373, as written, hinders a school's ability to manage a student in a Quiet Room or other assigned space if said student chooses to leave that room. Currently, as part of milieu management, trained staff will ask a student to move to an area where they can safely emit maladaptive behaviors. Staff work with students to utilize their coping skills and gain the necessary composure to return to the main classroom. This is not always a decision that the student agrees with. Currently, students remain isolated from other students until staff determine it is safe to leave the Quiet Room. Should students be allowed to leave the Quiet Room before they have adequately returned to their base-line behaviors, they may return to the main classroom and continue to emit aggressive behaviors. Should schools lose the ability to remove students from the main milieu the potential for students and staff to become injured increases.

Even with trained staff, the use of physical management techniques, restraints, is regarded as the last option used to keep students safe. It is widely recognized that students with a trauma history may have negative reactions to physical management. Teams work diligently to determine the best ways to engage these students. Most SPPS have trainers of physical management programs on site during the school day. These individuals are tasked with ensuring that staff are utilizing physical management in the manner the training was delivered. Currently, all schools, public and private, are required to report rates of seclusion and restraints to Department of Education through the requirements of Chapter 33.

Without the ability to use restraints and/or seclusion, schools may find themselves needing to call area police departments to take responsibility of student management. Many of our students have become accustomed to being able to leave school if they become aggressive and need to have police intervention. SPPS work hard to encourage students to "work through" troubling feelings and behaviors so that leaving school during the school day does not become an ingrained habit. Police departments access tools that schools do not, including pain-inducing physical management interventions. Once we call for officers to intervene, we lose a certain amount of control over the situation.

All children educated at SPPS come with both an IEP and a treatment plan that includes a crisis plan. A considerable amount of time is spent determining staff interventions connected to student behaviors. Crisis intervention plans are updated after three physical interventions (or as frequently as needed) with the entire IEP team. All of us in the SPPS world work hard to find interventions and programs that help us to shape behaviors effectively, while also decreasing rates of violent, maladaptive behaviors. It is a well-known fact that there are wait lists for residential and out-of-district school placements. Without the ability to use restraints and seclusion, many of our students may find themselves in an out of state program for residential programming, returning, eventually, to a state over-burdened and unable to meet their specialized needs. The passage of LD1373 could greatly curtail our ability to keep all students and staff safe while in our programs.

This statement is a representation of the input I received from SPPS directors across the state. We respectfully request that the Committee vote unanimously "Ought Not to Pass" on LD1373.

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