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LD 393

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I am writing neither for nor against LD 393 Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a Major Substantive Rule of the Department of Education. I do however, want to briefly address a recommendation made during testimony in advance of the committee's work session. Specifically regarding the frequency with which Individualized Education Program (IEP) meetings are held after occurrences of restraint and/or seclusion.

In past and current iterations of the Department of Education's Chapter 33, governing restraint and seclusion in Maine schools, IEP teams are required to convene to review a student's educational supports and plan after the first three occurrences of restraint and/or seclusion within a school year. Increasing the frequency of these meetings, to every three occurrences across the school year would be create an untenable situation for Special Purpose Private Schools (SPPS) that support Maine's students with the most severe presentations/needs. Chapter 33 requires that parents and the sending school district (for students placed Out Of District (OOD)) must be notified for every occurrence of restraint and seclusion as well as receive a detailed written report, specific to each incident.

I respectfully recommend that, if the committee is considering the recommendation to increase the frequency of Chapter 33 meetings, that there is specific consideration and differentiation for SPPS's that are required to meet the needs of students with the greatest behavioral challenges. In public school settings, more frequent meetings to determine whether or not the public school continues to provide the Least Restrictive Setting may make sense, however once a student is referred to an OOD placement, increasing the frequency of Chapter 33 meetings, when there already is frequent and high-level scrutiny of individual student data as well as parent/guardian communication on a daily, weekly, and/or monthly basis would become more prohibitive to the delivery of high-quality services than a benefit.