Senate Education Committee

Ryan Meleedy 271-4151

HB 653-FN, establishing a pilot program within the department of education to implement alternatives to restraint and seclusion of students.

Hearing Date: April 8, 2025

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill establishes a pilot program within the department of education to implement alternatives to restraint and seclusion of students.

Sponsors:

Rep. Petrigno	Rep. DeSimone	Rep. Gregg
Rep. Grossman	Rep. Levesque	Rep. Nelson
Rep. M. Pearson	Sen. Altschiller	Sen. Long
Sen. McGough		

Who supports the bill: Nancy Kelley, Mary Vallier-Kaplan, Janet Lucas, Haley Demers, Janet Altobello, Bryan Field, Jocelyn Duffy, Dawn McKinney (NH Legal Assistance), Cindy LaCroix, Abigail Meyer, Laura Sokoloski, Heather L Wilcauskas, Charles Carlson, Debrah Howes (American Federation of Teachers - NH), Chase Eagleson (NH Council on Developmental Disabilities), Sayre Moskwa, Emily Lawrence (Waypoint), Karen Rosenberg (Disability Rights Center - NH), Senator Debra Altschiller, Emma Sevigny (New Futures), Vernon Hyman, Anne Grossi, Suzanne Haldane.

Who opposes the bill: Sarah Lynn Williams, Julie Smith.

Who is neutral on the bill: No one signed in neutrality to this bill.

Summary of testimony presented in support:

Representative Peter Petrigno

- Representative Petrigno testified in support of House Bill 653 as the bill's prime sponsor.

- He established that the bill originated from a House interim study committee, which was established in response to House Bill 1269 in the previous House session.
- He explained that House Bill 1269 required any use of restraint on a student with an IEP to be recorded with video and audio. He explained that the bill was addressing concerns of potential physical and mental abuse of students being restrained, and that many parents testified in support of the bill during its hearing by citing examples of their own children being manhandled at school.
- He explained that having video cameras in the classroom would not be feasible and would be disruptive for students, but the concerns of the parents were still valid and needed to be addressed.
- He explained that studies in Maine showed that restraint and seclusion of special needs students can be traumatizing both mentally and physically and doesn't have the effect that it is intended to.
- He explained that House Bill 653 would install an exploratory pilot program to try alternative, proactive methods of handling student outbursts as opposed to the use of restraint and/or seclusion.

Lissa Mascio – Office of the Child Advocate

- Ms. Mascio explained that the Office of the Child Advocate (OCA) has reviewed over 1,500 restraint and seclusion reports over the course of the last fiscal year, and that the office is only involved in with reports when a child is in state care, indicating that there are likely many more reports left out of the figure she provided.
- She referenced a kindergartener whose reports her office reviewed that was restrained twenty-two times over the course of one school day.
- Ms. Mascio explained that it is challenging to gather the complete data on restraint reports and subsequent complaints because there is no centralized location for them.
- She emphasized that training was a primary concern.
- She established that the objective of the bill is to simply provide alternative options for schools struggling to manage the restraint of students. She further explained that as a pilot program, it was completely optional and that the bulk of the work done in the program would be done by the vendor.
- She added that the pilot program would take proactive training measures for behavioral management before it reached the point of need for restraint.
- Senator Sullivan highlighted an abundance of confusion among teachers and school staff about the rules of engagement when it comes to restraint, and asked Ms. Mascio if she felt that this bill would help to clear up some of this confusion.

Ms. Mascio said that she hoped that the pilot program would help provide more behavioral management information for teachers, which could help prevent confusion in the future.

Ben Jones – Policy Director, Lives in the Balance

- Mr. Jones explained that his organization's goal is to help deescalate behavioral outbursts before they reach a point where restraint is needed.
- He explained that the main point of emphasis should be training rather than worrying over certain specifics such as what the seclusion room at a school looks like or what methods of restraint are being used.
- He explained that more extensive training on how to manage students gives teachers and school staff a better base of knowledge and ability to limit situations where restraint is needed.
- He explained that his organization, though also participating in policy advocacy, also serves as a vendor to schools seeking more training for their staff.
- He reemphasized Ms. Mascio's point about the incomplete nature of New Hampshire's data gathering for instances of restraint and seclusion. He highlighted the fact that seclusion rates have doubled in New Hampshire over the last year, yet there is no data-based reason why.
- Senator Abbas asked Mr. Jones about the California Evidence-Based Clearing House for Child Welfare, which is mentioned in the language of House Bill 653. Mr. Jones established that it was likely included in the bill because it is already part of New Hampshire law as being a standard to compare other evidence-based programs. He explained that it was a national third-party organization that was responsible for credentialing different programs as 'evidence based'.

RM
Date Hearing Report completed: April 9, 2025