

From: Natasha Suleiman [nattiejanes@hotmail.com]
Sent: Tuesday, November 30, 2010 9:32 PM
To: Keenan, Arthur
Subject: RE: November 9 comments; need for your vote
Arthur-

Thank you for all of the information. I appreciate being kept up-to-date with the ideas and comments from the stakeholder meeting.

I prefer Option #1. Option #3 would also be okay. Option #2 is my last choice.

I realize that #1 would require more commitment from the stakeholders, but in my opinion, it is worth it to come up with some very strong and positive ideas.

Some of the comments that I agree with completely are as follows:

* Nurse review of student after restraint. (this will ensure the student receives medical assistance if needed, more documentation, and in a way acts as an impediment - if I have restrained a child - or several children - and know that the nurse is going to keep seeing these kids, and know that I did it, I might start thinking about using a different intervention) I think this would also require some extra training of the school nurse about what to look for / behavioral health, etc...

* Who will be trained in each school? if it is just one person, what information is passed along and considered sufficient? Will substitutes be trained? In my opinion, kids get sent into "time-out", seclusion, or are restrained because staff usually are not well-trained and don't know how to recognize when a child's behavior is going to escalate. They are frustrated and don't know how to handle the situation they are in.

Everything the REAL school had to say I whole-heartedly agree with as well. The more well-trained the staff are, the less you have to actually use any of these methods. If you can NOT use any of these interventions, then you are probably teaching the student how to regulate their own behavior AND they are also learning how to trust other people and build relationships.

"Time-Out" can be good for a child, because then they know they can ask for space to calm down or to process a problem or emotions without their peers looking at them. I have found (in my own experience with my daughter) that it can also be abused - to get out of the classroom in general.

Thanks, Arthur. I look forward to being a more active part of the group.

Sincerely,
Natasha

Natasha Suleiman
(207)232-4803

Subject: FW: November 9 comments; need for your vote
Date: Tue, 23 Nov 2010 13:01:02 -0500
From: Arthur.Keenan@maine.gov

To: jadams@madsec.org
CC: erherlan@dwmlaw.com; Deborah.Friedman@maine.gov; amarche@scarborough.k12.me.us;
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Jill:

We certainly have not forgotten MADSEC's effort, and let me say thank you to MADSEC for giving us all something to use as sort of a base for review. I think I can say that the internal committee has had discussions using that as a base.

That said, we certainly did forget to include in the summary the very particular suggestions MADSEC has presented. I take this opportunity to send MADSEC's ideas to all by means of this forwarding.

We also neglected to present Dean Bailey's ideas that he sent to us which are contained in the DHHS policy formulated (in whole or large part?) by a group Dean chaired. I attach that policy for everyone's consideration.

Arthur

This email is sent by an attorney and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the email and any attachments and notify me immediately.

Arthur J. Keenan, Esq.

Certification Legal Consultant, Maine DOE

207-624-6859; Fax: 207-624-6604

From: Jill Adams [mailto:jadams@madsec.org]
Sent: Tuesday, November 23, 2010 12:22 PM
To: Keenan, Arthur
Cc: 'Alison Marchese'; 'Barbara Gunn'; Sandra MacArthur
Subject: RE: November 9 comments; need for your vote

Arthur,

I am following up on your email as I did not see where MADSEC was listed as an organization that submitted information for the changes to Chapter 33. We submitted information from MADSEC numerous times to the DOE. I am hopeful that this was not forgotten. I am attaching MADSEC's work again. Thank you for your efforts. Jill Adams

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From: Keenan, Arthur [mailto:Arthur.Keenan@maine.gov]

Sent: Tuesday, November 23, 2010 11:34 AM

To: Eric Herlan; amarche@scarborough.k12.me.us; asm@asmonline.org; barbara.gunn@rsu34.org; brobbins12@aol.com; cgalgay@nea.org; chorne@namimaine.org; Cronin, Nancy E; dbailey@sweetser.org; dblbean@roadrunner.com; ddurost@mpa.cc; douglass@msmaweb.com; dsmith@drcme.org; fmccabe@midcoast.com; frank_sherburne@fc.sad57.k12.me.us; gilmer@maine.edu; jadams@madsec.org; jbell@MaineDDC.org; jepsos@portlandschools.org; jherb@maine.r.com; jkimball@woodfords.org; jlachance@mpf.org; jleach@childrenscenteraugusta.com; mdegon@mpf.org; nattiejanes@hotmail.com; pmakin@windham.k12.me.us; ront@namimaine.org; smacarthur@msmaweb.com; whiteb@rsu5.org

Cc: Friedman, Deborah; Braff, Jonathan; Connolly, Nancy; Dube, Nancy; Hannigan, Debra; Kastuck, Edwin; Keenan, Arthur; Lamontagne, Pauline; Moody, Barbara; Newton, Ansley; Spear, Steve

Subject: November 9 comments; need for your vote

Importance: High

To all stakeholders:

Thank you again for attending the November 9 meeting, and giving us your opinions on Ch. 33 as well as your opinions on this review process.

Attached are all of your comments that were written on all of the flip charts.

Also attached is our summary of the ideas sent to us via email.

The following requires your urgent reply, as is explained in the final paragraph.

At the end of the stakeholder meeting on November 9th, some members of the group expressed a desire to have additional input into the drafting of a revision to the Chapter 33 rules. One option mentioned was a consensus-based rulemaking process, and another was additional stakeholder meetings.

We are writing to seek input from the stakeholders on how to proceed, and set forth below 3 options. The options present somewhat different balances between the urgency of improving this rule for the safety of our children, and the desire for additional stakeholder input.

Please respond to this email and let us know which of the 3 options below you prefer. With each option, we have given our best guess as to the time frame within which we could get a proposed rule to the Commissioner for her consideration.

Option One:

Consensus Based Rulemaking

Consensus-based rulemaking would take place under the provisions of Title 5, section 8051-B. In general, the process has to be well-documented and transparent. We would propose a specific number of meetings (probably 3,

spaced 3 or 4 weeks apart), and would work to ensure that the meetings are productive and create as much consensus as possible. In the CBR process,

- DOE is required to select a representative group of participants in the process, but to make information available to any interested party
- Ground rules for the process must be mutually agreeable to the parties
- DOE must distribute a summary and submitted materials from all meetings to the participants and interested parties
- The agency has the ultimate responsibility and discretion over whether to submit the rule developed in CBR as a proposed rule and as to the final language of the proposed rule
- If a proposed rule results from the CBR process, DOE must maintain a list of all meetings, the participants and the interests or organizations they represent; a summary of each meeting; and a description of the process, the extent to which consensus was reached and an analysis of the decisions resulting from the process

Pros

Cons

Provides a clear process for proceeding; allows parties to discuss wording of a potential rule	Extends the timeline for completion – would probably result in a proposed rule draft to the Commissioner by the end of March
Provides equal notice to all participants and equal opportunity to share	Parties may not be able to reach consensus on all issues

Option Two:

Additional stakeholder meetings

One or more additional stakeholder meetings could be held to discuss various aspects of the rule, with the number of meetings determined with input from stakeholders. We would be constrained, however, by limitations of the rulemaking process – we can't write a new rule at these meetings without being subject to a potential legal challenge.

Pros

Cons

More opportunities for stakeholder input	Timing to complete the rule depends on the number of additional meetings – possibly end of February or early March
Less formal than CBR	Doesn't allow for drafting actual language

Option Three:

One additional stakeholder meeting; DOE draft rule and hold public hearing in the rulemaking process

One additional stakeholder meeting could be held to review a potential outline of rule changes, based on information collected from various stakeholder groups and individuals by email and the November 9th meeting. The DOE Chapter 33 staff working group would then propose a rule that would go through the rulemaking process

Pros

Cons

Allows some additional input, but has a shorter timeline – possibly resulting in a proposed rule by end of January	Fewer meetings where parties can discuss with each other
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Please respond to this email with your choice, Option 1 or Option 2 or Option 3 by Wednesday, December 1st by 5:00 p.m. If we don't hear from you, we will assume that you do not have a preference and would be satisfied with any of the options.

Thank you.

Maine DOE Chapter 33 Workgroup

By Arthur Keenan

This email is sent by an attorney and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the email and any attachments and notify me immediately.

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