

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1248

H.P. 823

House of Representatives, March 25, 2025

An Act Regarding Physical Escort and Restraint and Seclusion of Students in Schools

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SARGENT of York.
Cosponsored by Senator NANGLE of Cumberland and
Representatives: CROCKETT of Portland, FROST of Belgrade, HAGGAN of Hampden,
HEPLER of Woolwich, RAY of Lincolnville, SHAGOURY of Hallowell, SINCLAIR of Bath,
TUELL of East Machias.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §4014, sub-§1, ¶D, as enacted by PL 2021, c. 453, §1, is amended to read:

D. "Physical escort" means the temporary, voluntary touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location.

Sec. 2. 20-A MRSA §4014, sub-§2, as enacted by PL 2021, c. 453, §1, is amended to read:

2. Prohibition on unlawful restraint and seclusion; restriction on use of physical restraint and seclusion. A covered entity that receives state or federal assistance may not subject a student to unlawful restraint or seclusion. A covered entity may use physical restraint or seclusion only if:

A. The student's behavior poses an imminent danger of serious physical injury to the student or another person;

B. Less restrictive interventions would be ineffective in stopping imminent danger of serious physical injury to the student or another person;

C. The physical restraint or seclusion ends immediately upon the cessation of imminent danger of serious physical injury to the student or another person; and

D. The least amount of force necessary is used to protect the student or another person from imminent danger of serious physical injury.

Sec. 3. 20-A MRSA §4014, sub-§3, ¶G, as enacted by PL 2021, c. 453, §1, is amended to read:

G. The aggregate number of serious physical injuries to students related to physical restraint;

Sec. 4. 20-A MRSA §4014, sub-§3, ¶H, as enacted by PL 2021, c. 453, §1, is amended to read:

H. The aggregate number of serious physical injuries to students related to seclusion;

Sec. 5. 20-A MRSA §4014, sub-§3, ¶I, as enacted by PL 2021, c. 453, §1, is amended to read:

I. The aggregate number of ~~serious—physical~~ injuries to staff related to physical restraint; and

Sec. 6. 20-A MRSA §4014, sub-§3, ¶J, as enacted by PL 2021, c. 453, §1, is amended to read:

J. The aggregate number of ~~serious physical~~ injuries to staff related to seclusion.

SUMMARY

This bill amends the definition of "physical escort" in the law regarding physical restraint and seclusion in educational settings to provide that the temporary touching or holding of the hand, wrist, arm, shoulder or back of a student to induce the student to walk to a safe location does not need to be voluntary.

1 The bill also amends the prohibition on the use of physical restraint or seclusion by
2 removing the requirement that an imminent danger be of serious physical injury and instead
3 requires only that there is imminent danger of injury.