

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 4-19-01

(Filing No. H-1255)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "4" to H.P. 22, L.D. 22, "Resolve, Regarding Legislative Review of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education"

Amend the resolve by striking out all of section 1 and inserting in its place the following:

'Sec. 1. Adoption. Resolved: That final adoption of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A, is authorized only if the rule is amended as follows.

1. The rule must be amended to provide that the local policy must be reviewed at least annually.

2. The rule must be amended to require the documentation of a time-out room or therapeutic restraint be provided to the program administrator within 2 school days.

3. The rule must be amended to delete from the definition of "aversive therapy or treatment" the terms "loud noises" and "humiliating practices." The definition must also be amended to delete the unnecessary "etc." that is at the end of the examples of prohibited aversive therapy or treatment.

The Department of Education is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.'

COMMITTEE AMENDMENT

SUMMARY

2
4 This amendment makes certain specific changes in the rule
6 concerning the use of time-out rooms, therapeutic restraints and
aversives provisionally adopted by the Department of Education.

8 1. The rule must be amended to provide that the local
10 policy must be reviewed at least annually. The provisionally
12 adopted rule requires the local policy to be reviewed at least
quarterly.

14 2. The rule must be amended to require the documentation of
16 a time-out room or therapeutic restraint be provided to the
program administrator within 2 school days. The provisionally
18 adopted rule requires the documentation to be completed within 24
hours.

20 3. The rule must be amended to delete from the definition
22 of "aversive therapy or treatment" the terms "loud noises" and
"humiliating practices." The provisionally adopted rule provides
24 that aversive therapy or treatment is prohibited. The terms that
26 must be deleted are too subjective to provide sufficient
guidance. The definition must also be amended to delete the
unnecessary "etc." that is at the end of the examples of
prohibited aversive therapy or treatment.