

MAINE STATE LEGISLATURE

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AL
ROFS

L.D. 1373

Date: 6/16/21

(Filing No. S-332)

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STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "1" to COMMITTEE AMENDMENT "A" to H.P. 1007,
L.D. 1373, "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion
and Restraint in Schools"

Amend the amendment in section 1 in §4014 in subsection 1 by striking out all of
paragraph A (page 1, lines 17 to 21 in amendment).

Amend the amendment in section 1 in §4014 in subsection 1 by striking out all of
paragraph C (page 1, lines 30 and 31 in amendment).

Amend the amendment in section 1 in §4014 in subsection 1 by striking out all of
paragraph D (page 1, lines 32 and 33 in amendment).

Amend the amendment in section 1 in §4014 in subsection 1 by striking out all of
paragraph E (page 2, lines 1 to 3 in amendment).

Amend the amendment in section 1 in §4014 in subsection 1 in paragraph F in the 2nd
and 3rd lines (page 2, lines 5 and 6 in amendment) by striking out the following: "Physical
restraint" does not include a physical escort, mechanical restraint, physical prompt or
chemical restraint.

Amend the amendment in section 1 in §4014 in subsection 1 by striking out all of
paragraph H (page 2, lines 10 to 32 in amendment).

Amend the amendment in section 1 in §4014 in subsection 1 to reletter the paragraphs
to read alphabetically.

Amend the amendment in section 1 in §4014 by striking out all of subsection 2 (page
2, lines 33 and 34 in amendment) and inserting the following:

2. Use of physical restraint and seclusion. The use of physical restraint and
seclusion by a covered entity is permitted only as an emergency intervention when the
behavior of a student presents a risk of injury or harm to the student or others and only in
accordance with rules adopted by the department.'

Amend the amendment in section 1 in §4014 by striking out all of subsection 3 (page
2, lines 35 to 41 and page 3, lines 1 to 4 in amendment).

Amend the amendment in section 1 in §4014 by striking out all of subsection 4 (page
3, lines 5 to 17 in amendment).

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Amend the amendment in section 1 in §4014 by striking out all of subsection 5 (page 3, lines 18 to 24 in amendment).

Amend the amendment in section 1 in §4014 to renumber the subsections to read numerically.

Amend the amendment by inserting after section 1 the following:

Sec. 2. Rulemaking regarding physical restraint; continuation of existing rules. In adopting rules regarding the use of physical restraint and seclusion as required by the Maine Revised Statutes, Title 20-A, section 4014, subsection 3, the Department of Education shall adopt in substantially the same form as and consistent with the policy in Department of Education rule Chapter 33: Rule Governing Physical Restraint and Seclusion. Until the approval of rules adopted pursuant to Title 20-A, section 4014, subsection 3, the department's rule Chapter 33 remains in force.

Sec. 3. Department of Education to study the use of physical restraint and seclusion. The Department of Education shall convene a stakeholder group to study the use of physical restraint and seclusion in schools and shall report to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 1, 2023 on its findings and any recommendations regarding the use of physical restraint and seclusion in schools. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the First Regular Session of the 131st Legislature.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Leadership Team Z077**

Initiative: Provides one-time funds for the costs associated with the Department of Education holding meetings with stakeholders to study the use of physical restraint and seclusion in schools.

| | | |
|---------------------------|----------------|----------------|
| GENERAL FUND | 2021-22 | 2022-23 |
| All Other | \$9,000 | \$0 |
| GENERAL FUND TOTAL | \$9,000 | \$0 |

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment removes those provisions of Committee Amendment "A" that specify the type of physical restraint that may be used and removes the prohibition on the use of seclusion. Instead, this amendment allows physical restraint and seclusion to be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others and only in accordance with rules adopted by the Department of Education. This amendment provides specific authority to the department to adopt rules

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regarding the use of physical restraint and seclusion and requires the rules adopted by the department to be substantially the same as the department's current rule regarding the use of physical restraint and seclusion. This amendment requires the department's current rule regarding the use of physical restraint and seclusion to remain in effect until the new major substantive rules are approved.

This amendment requires the department to convene a stakeholder group to study the use of physical restraint and seclusion in schools and report to the 131st Legislature. It also adds an appropriations and allocations section.

SPONSORED BY: David Woodsome

(Senator WOODSOME, D.)

COUNTY: York

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1373

LR 828(05)

An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools

Fiscal Note for Senate Amendment "A" to Committee Amendment "A" (S-332)

Sponsor: Sen. Woodsome of York

Fiscal Note Required: Yes

Fiscal Note

| | FY 2021-22 | FY 2022-23 | Projections FY 2023-24 | Projections FY 2024-25 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$9,000 | \$0 | \$0 | \$0 |
| Appropriations/Allocations | | | | |
| General Fund | \$9,000 | \$0 | \$0 | \$0 |

Fiscal Detail and Notes

This bill includes a one-time General Fund appropriation of \$9,000 in fiscal year 2021-22 to the Leadership Team program within the Department of Education for the cost of holding meetings with stakeholders to study the use of physical restraint and seclusion in schools. Additional costs to the Department of Education associated with the rule-making process can be absorbed within existing budgeted resources.