

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Protect School Children from Dangerous or Abusive Restraint and Seclusion

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

Sec. 1. 20-A MRSA §4009, sub-§1-A is enacted to read:

1-A. Unreasonable force. Notwithstanding subsection 3, a teacher, administrator or other person entrusted with the care or supervision of a person for special or limited purposes may be held civilly liable for the use of an unreasonable degree of force against the person if that teacher, administrator or other person violates any rule of the department regulating the use of time-out rooms or areas, therapeutic restraints and aversive therapy.

Sec. 2. 20-A MRSA §7211 is enacted to read:

§ 7211. Physical restraint or seclusion

1. Grounds for due process hearing. An alleged violation against a child with a disability of any rule of the department regulating the use of time-out rooms or areas, therapeutic restraints and aversive therapy may be grounds to initiate a due process hearing under section 7207-B.

2. Prohibited restraint. A teacher, administrator or other person entrusted with the care or supervision of a child with a disability may not use a means of physical restraint against the child in which the child's face contacts the floor while a person applies pressure to the child's back.

SUMMARY

This bill addresses the use of physical restraint or isolation. The bill amends the law that suspends civil liability for anyone in the educational system entrusted with the care or supervision of a person for special or limited purposes using a reasonable degree of force. The bill adds a provision that allows civil liability for an unreasonable degree of force evidenced by a violation of rules of the Department of Education regulating the use of time-out rooms, therapeutic restraints and aversive therapy. The bill also establishes a violation of such a rule as grounds for a due process hearing if the action is against a child with a disability. The bill further prohibits a physical restraint against a child with a disability in which the child's face contacts the floor while a person applies pressure to the child's back.