



129th MAINE LEGISLATURE

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Legislative Document

No. 1376

H.P. 997

House of Representatives, March 26, 2019

**An Act To Direct the Department of Education To Amend Its Rules
To Ensure That Physical Restraint and Seclusion Policies Are
Followed for Special Education Students and Make Biennial
Reports on the Use of Physical Restraint and Seclusion**

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

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative FARNSWORTH of Portland.
Cosponsored by Representatives: CRAVEN of Lewiston, CROCKETT of Portland, HANDY of Lewiston, MADIGAN of Waterville, McCREIGHT of Harpswell, PERRY of Calais, WARREN of Hallowell.

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

2 **PART A**

3 **Sec. A-1. 20-A MRSA §7008** is enacted to read:

4 **§7008. Report on data regarding the use of physical restraint and seclusion**

5 The commissioner shall submit a report on data regarding the use of physical restraint
6 and seclusion collected pursuant to the department's rules governing physical restraint
7 and seclusion and special education. Each covered entity shall submit to the department
8 an annual report on incidents of physical restraint and seclusion that includes:

9 **1. Number of uses; physical restraint.** The aggregate number of uses of physical
10 restraint;

11 **2. Number of students; physical restraint.** The aggregate number of students
12 placed in physical restraint;

13 **3. Number of uses; seclusion.** The aggregate number of uses of seclusion;

14 **4. Number of students; seclusion.** The aggregate number of students placed in
15 seclusion;

16 **5. Number of injuries to students.** The aggregate number of serious bodily injuries
17 to students related to physical restraint and seclusion; and

18 **6. Number of injuries to staff.** The aggregate number of serious bodily injuries to
19 staff related to physical restraint and seclusion.

20 The commissioner's report must also include aggregate data gathered through a
21 performance review system and subsequent compliance plans. The report must be
22 submitted to the Governor and the joint standing committee of the Legislature having
23 jurisdiction over educational and cultural affairs no later than January 15th of every odd-
24 numbered year.

25 As used in this section, "covered entity" means an entity that owns, operates or
26 controls a school or educational program that receives public funds from the department,
27 including, but not limited to, public schools, public regional programs, public charter
28 schools, private schools, private schools approved for tuition purposes, special purpose
29 private schools, career and technical education programs, public prekindergarten
30 programs and the Child Development Services System.

31 **PART B**

32 **Sec. B-1. Physical restraint and seclusion policies for special education**
33 **students.** The Department of Education shall amend its rule Chapter 101: Maine
34 Unified Special Education Regulation Birth to Age Twenty to:

