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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT “ ” 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).

SENATE AMENDMENT

1 Amend the amendment in section 1 in §4014 by striking out all of subsection 5 (page
2 3, lines 18 to 24 in amendment).

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

5 Amend the amendment by inserting after section 1 the following:

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

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

21 **Sec. 4. Appropriations and allocations.** The following appropriations and
22 allocations are made.

23 **EDUCATION, DEPARTMENT OF**

24 **Leadership Team Z077**

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

28 GENERAL FUND	2021-22	2022-23
29 All Other	\$9,000	\$0
30		
31 GENERAL FUND TOTAL	\$9,000	\$0

32
33 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
34 section number to read consecutively.

35 **SUMMARY**

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

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

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

9 **SPONSORED BY:** _____

10 (Senator WOODSOME, D.)

11 **COUNTY:** York