



129th MAINE LEGISLATURE

LD 1376

LR 994(02)

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

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$121,086	\$98,246	\$101,461	\$104,789
Appropriations/Allocations				
General Fund	\$121,086	\$98,246	\$101,461	\$104,789

State Mandates

Required Activity

Requires local school administrative units to report to the Department of Education on the following incidents of physical restraint and seclusion by grade level or age group, gender, race and type of plan: 1) the aggregate number of uses of physical restraint; 2) the aggregate number of students placed in physical restraint; 3) the aggregate number of uses of seclusion; 4) the aggregate number of students placed in seclusion; 5) the aggregate number of serious bodily injuries to students related to physical restraint and seclusion; and 6) the aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

Unit Affected

School

Local Cost

Insignificant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This bill includes General Fund appropriations totaling \$121,086 in fiscal year 2019-20 and \$98,246 in fiscal year 2020-21 to the Learning Systems Team program within the Department of Education. Of this amount, \$50,000 is appropriated on a one-time basis for the programming costs to modify the current physical restraint and seclusion form in the department's educational information system to accept the data on physical restraint and seclusion by grade level or age level, gender, race and type of plan. Ongoing appropriations of \$71,086 in fiscal year 2019-20 and \$98,246 in fiscal year 2020-21 are provided to the Learning Systems Team program for one Education Specialist II position and related All Other costs to manage the required data submitted by each covered entity and to monitor incidents of physical restraint and seclusion and investigate incidents as necessary.

School administrative units (SAU's) are required by department rule (Chapter 33: Rule Governing Physical Restraint and Seclusion) to report the aggregate data listed above each year. This legislation places the requirement in statute and requires that the information be reported by grade level or age level, gender, race and type of plan. To the extent that SAU's already collect and report the required data, the additional cost of the required municipal activities may be minimal.