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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT " " to COMMITTEE AMENDMENT " " 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).

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

15 SUMMARY

16 This amendment removes those provisions of Committee Amendment "A" that specify
17 the type of physical restraint that may be used and removes the prohibition on the use of
18 seclusion. Instead, this amendment allows physical restraint and seclusion to be used only
19 as an emergency intervention when the behavior of a student presents a risk of injury or
20 harm to the student or others and only in accordance with rules adopted by the Department
21 of Education. This amendment provides specific authority to the department to adopt rules
22 regarding the use of physical restraint and seclusion and requires the rules adopted by the
23 department to be substantially the same as the department's current rule regarding the use
24 of physical restraint and seclusion. Finally, this amendment requires the department's
25 current rule regarding the use of physical restraint and seclusion to remain in effect until
26 the new major substantive rules are approved.

27 **SPONSORED BY:** _____

28 **(Representative LYMAN, S.)**

29 **TOWN: Livermore Falls**