



# HOUSE OF REPRESENTATIVES

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*Testimony of Rep. Holly T. Sargent introducing*

## **LD 1248, An Act Regarding Physical Escort and Restraint and Seclusion of Students in Schools**

*Before the Joint Standing Committee on Education and Cultural Affairs*

Chair Rafferty, Chair Murphy, and honorable members of the Joint Standing Committee on Education and Cultural Affairs, my name is Holly Sargent, and I represent House District 147, which includes part of York. I am the proud sponsor of **LD 1248, An Act Regarding Physical Escort and Restraint and Seclusion of Students in Schools**.

This legislation makes thoughtful, focused amendments to **Maine DOE Rule Chapter 33**, which governs the use of physical restraint and seclusion in public schools. Chapter 33 was created to ensure these interventions are only used when necessary to protect students and staff from harm. LD 1248 retains that fundamental purpose while providing **much-needed clarity and flexibility** for educators responding to real-world behavioral crises.

**Importantly, LD 1248 does not diminish the rights or protections of students with disabilities.** Students with Individualized Education Plans (IEPs) and 504 Plans remain fully protected under federal laws such as the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. This legislation simply ensures that school staff can take appropriate action to maintain safety in moments of escalation—without removing any legal safeguards for vulnerable students.

Across Maine, **superintendents, principals and teachers** are united in their support for LD 1248. These professionals are not seeking broader use of restraint or seclusion—they are asking for **clearer definitions, realistic thresholds for action and more accurate documentation standards**. These are the people who manage complex and sometimes dangerous behaviors in real time, and their insights deserve our trust and attention.

LD 1248 responds directly to situations in which students engage in behaviors such as:

- Physical aggression toward peers or staff
- Self-harming actions
- Violent outbursts or property destruction
- Defiant or escalated behavior that becomes unsafe

In these high-stress moments, staff need confidence that their responses are legally supported and in line with best practice. LD 1248 helps by:

- **Clarifying “physical escort”** to allow staff to guide a student to safety even without voluntary compliance.
- **Adjusting the intervention threshold** from “imminent danger of serious physical injury” to “imminent danger of injury,” a more appropriate and realistic standard.
- **Improving transparency** by requiring documentation of all injuries related to restraint or seclusion—not only those classified as “serious.”

These are not drastic changes; they are responsible updates that preserve the intent of Chapter 33 while empowering educators to do what is necessary to keep schools safe.

On behalf of educators, school leaders, parents and students, I respectfully urge this committee to vote “Ought to Pass” on LD 1248. Thank you for your time, attention and commitment to Maine's schools.