

**Rep. Lyman Proposed Amendment**  
**LD 1373, An Act to Keep All Maine Students Safe by Restricting the Use of Restraint and Seclusion in Schools**

**New Title: An Act Regarding Restraint and Seclusion in Schools**

Strike and replace the bill with the following:

**Sec. 1. 20-A MRSA § 4014** is enacted to read:

**§4014. Physical restraint and seclusion; rulemaking**

The department shall adopt rules on physical restraint and seclusion. The rules must provide that physical restraint and seclusion may only be used as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Prior Rulemaking.** The legislature finds that Chapter 33: Rule Governing Physical Restraint and Seclusion, adopted by the Department of Education pursuant to Title 20-A MRSA §4502(5)(M) and Resolve 2013, chapter 8 is consistent with Title 20-A section 4014, enacted by this Act. The rule continues in effect unless and until amended by the department, and is deemed to have been adopted pursuant to section 4014 and is governed by that section.

**SUMMARY**

This proposed amendment provides that the Department of Education shall adopt rules on physical restraint and seclusion, which must provide that physical restraint and seclusion may only be used as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others. In recognition that the Department of Education has already adopted Rule Chapter 33: Rule Governing Physical Restraint and Seclusion, this bill also provides a legislative finding that the current Chapter 33 rules are consistent with this newly enacted section, and that the Department of Education does not need to adopt new rules pursuant to this section.