Rulemaking Fact Sheet

*(5 MRSA §8057-A)*

AGENCY: Education

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

Chapter 33: Rules Governing Physical Restraint and Seclusion

TYPE OF RULE *(check one)*:  Routine Technical x Major Substantive

STATUTORY AUTHORITY: 20-A §4104 (5)

DATE, TIME AND PLACE OF PUBLIC HEARING: None

COMMENT DEADLINE: March 4, 2022

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

The Department is opening a **second comment period** limited to proposed definitions for protective physical interventions and voluntary, and a refined definition for serious physical injury.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? x YES NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

More detailed procedural steps to address restraint and seclusion

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

Proposed definitions as a result of comments from the first comment period.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)] Additional costs to the Department of Education associated with the rule-making process and providing technical assistance can be absorbed within existing budgeted resources.

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| ***FOR EXISTING RULES WITH FISCAL IMPACT OF $1 MILLION OR MORE, ALSO INCLUDE:***  ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:  [*see* §8057-A(2)(A)]      INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [*see* §8057-A(2)(B)]        BENEFITS OF THE RULE: [*see* §8057-A(2)(C)] |

*Note: If necessary, additional pages may be used.*