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**HOUSE WAYS AND MEANS COMMITTEE**

**HOUSE BILL 1043**

**EDUCATION—PHYSICAL RESTRAINT AND SECLUSION—GUIDELINES AND REPORTING**

**FEBRUARY 26, 2020**

**POSITION: SUPPORT**

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. Over the years, DRM has dedicated significant resources to representation of children with disabilities in special education matters, both individual and systemic, and to educational policy work. As the protection and advocacy for Maryland, DRM has the unique authority to investigate when a child, youth or adult with disabilities has been, or is at risk of being, abused or neglected. Our special education work and our core protection and advocacy authority come together when children with disabilities are subjected to the use of restraint and seclusion. DRM has investigated a number of school-based restraint and seclusion injuries, and it has been this work that has informed our policy work since the 2003 General Assembly session that enacted Maryland's first law governing the use of restraint and seclusion in schools.

DRM, as a member and the chair of the Education Advocacy Coalition (EAC), joins the testimony submitted by the EAC in support of House Bill 1073. We submit separate testimony to underscore the importance of enacting legislation to require data analysis, the development of an accountability system by the Maryland State Department of Education (MSDE), and the importance of involving the institutions of higher education in discussions to ensure that teachers are better-trained to meet the needs of students in their classrooms.

It was our hope that the enactment of Senate Bill 786, stronger regulations and the strong guidance issued by MSDE would lead to a reduction in the use of restraint and seclusion. Unfortunately, this has not been the case. House Bill 1073 would address the underlying barriers that have prevented progress. By requiring an analysis of the data required by Senate Bill 786, rather than simply a transmittal of the data as currently occurs each December 1<sup>st</sup>, and by requiring MSDE to intervene with the districts reporting high numbers and percentages of restraint and seclusion use, along with the requirement that MSDE develop an accountability system, MSDE will have to take an active role in holding districts and nonpublic schools accountable for their use of restraint and seclusion. By requiring MSDE to work with the higher education institutions and to address professional development more robustly, teachers will be better prepared to meet the academic and behavioral needs of the students in their classrooms. This should all lead to less reliance on restraint and seclusion.

There is no question that restraint and seclusion are dangerous. Over the years, DRM has handled cases involving children restrained by duct tape, neckties, or in equipment meant for children who cannot sit independently. DRM has investigated cases of children physically restrained and placed in seclusion for time periods well beyond the limits imposed by the regulations. We have investigated cases involving children who have sustained broken bones in seclusion rooms, and children who have sustained bruises, cuts, rug burns, and other injuries during restraint and seclusion. Those are the visible injuries. The

damage caused by invisible injuries—the trauma sustained by each child subjected to restraint or seclusion—and the trauma sustained by those who witness it and those who engage in it, is incalculable. House Bill 1073 is the necessary next step in moving forward to reduce the use of these aversive interventions and to ensure that school is the nurturing, safe learning haven it is meant to be for all children.

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