

February 24, 2020

Guy Stephens
338 Sachem Drive
Lusby, Maryland 20657

House Bill 1043: Education - Physical Restraint and Seclusion - Guidelines and Reporting

Position: Support

Members of the Ways and Means Committee,

My name is Guy Stephens and I am writing to you today on behalf of my son Cooper. Cooper is my bright and happy 14-year-old son who loves science and nature. Cooper is also autistic and has ADHD and social anxiety. Due to his disability, he requires additional supports and services to access a free and appropriate public education.

Cooper progressed well in school until the end of the fifth-grade when his favorite teacher was involved in an automobile accident and did not return to the classroom. Without the support of this critical relationship, he struggled and regressed. Behaviors such as elopement, which we had not seen since the first-grade returned. As a result of challenging behavior, he was physically restrained, dragged down a hallway and placed into an empty classroom on two occasions. This was traumatic, Cooper did not want to return to school. Subsequently, we homeschooled him for the next two years.

At the end of the seventh-grade, he decided he wanted to return to public school to be with his friends. We worked hard to develop an individual education plan that would support his needs. We advised his new team how to work successfully with Cooper and about the trauma he suffered from the use of restraint. In the Fall of 2018 Cooper started a new school year. Over his first fifteen days, he was inappropriately restrained and secluded on at least four occasions leading again to a situation where he did not want to return to school.

Cooper should have never been restrained and secluded. His behavior, while perhaps challenging, did not meet the legal criteria for when the use of restraint and seclusion are permitted under COMAR. In Maryland restraint and seclusion should only be used

in situations that involve "imminent serious physical harm", that is to say, situations that could be life or death or involve life-threatening injuries. These situations should be extremely rare in our schools, however, they are not.

In 2017 legislation was passed that requires the Maryland State Department of Education (MSDE) to report restraint and seclusion data to the General Assembly. Over the last two reporting cycles, we have seen an 11% increase in the use of restraint and seclusion in Maryland schools with over 29,000 restraint and seclusion events reported for the 2018/19 school year. I would contend that if local school systems are following the "imminent serious physical harm" standard the use of restraint and seclusion should be exceedingly rare, these numbers indicate otherwise.

We continue to see extremely high restraint and/or seclusion numbers for particular school districts. This raises many concerns related to oversight and accountability. What is the Maryland State Department of Education (MSDE) doing to provide oversight and guidance specifically to local school systems with remarkably high rates of seclusion and/or restraint? If MSDE provided oversight to the counties with high numbers in the 2017/18 reporting cycle you would expect a decrease in the current numbers for these local school systems, this is not the case.

I support House 1043 because collecting data is not enough. The data must be analyzed and used to reduce the rampant use of restraint and seclusion in our schools to make our schools safer for students, teachers, and staff.

Respectfully,

A handwritten signature in black ink, appearing to read 'Guy Stephens', with a long horizontal flourish extending to the right.

Guy Stephens