



**DATE:** February 26, 2020  
**BILL NO:** House Bill 1043  
**BILL TITLE:** Education – Physical Restraint and Seclusion – Guidelines and Reporting  
**POSITION:** Support

**COMMITTEE:** House Ways & Means

**Kennedy Krieger Institute supports House Bill 1043 - Education – Physical Restraint and Seclusion – Guidelines and Reporting.**

**Bill Summary:**

House Bill 1043 requires data collected by the Maryland State Department of Education on restraint and seclusion to be analyzed and verified. Following the evaluation of the data, MSDE to make recommendations on reducing the use of restraint and seclusion.

**Background:**

Section 7-1102.1 of the Education Article of the Annotated Code of Maryland requires the Maryland State Department of Education (MSDE) to report annually on the findings and recommendations of data collected by public and nonpublic schools on restraint and seclusion.

Data are currently collected using an online survey on the following: (1) Number of physical restraints and seclusion incidents, disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement; and (2) Professional development provided to designated school personnel related to positive behavioral interventions, strategies, supports, and trauma-informed interventions.

Since the 2017 passage, MSDE has released two reports with each jurisdiction's reported use of restraint and seclusion. These reports simply list the data of each jurisdiction and three one sentence bullet points for "recommendations."

While these reports are a welcomed start in providing oversight and transparency in school use of restraint and seclusion, they stop short from providing any type of analysis or recommendation.

**Rationale:**

Kennedy Krieger Institute is a nationally recognized "Blue Ribbon School of Excellence," leading the charge in innovative education for children, adolescents and young adults with a wide range of learning, emotional, physical, neurological and developmental disabilities.

We recognize the uniqueness of each student and it is our mission to enable students to reach their potential academically, socially and behaviorally, with the ultimate goal of nurturing their independence now and in the future. We are committed to protecting our children and ensuring that they are in a safe environment to learn and grow.

Kennedy Krieger supports regulations that would outline the safe and proper environment, implementation and oversight of restraint and seclusion. Physical restraint and seclusion are serious, last-resort techniques for ensuring safety. Further oversight and monitoring is necessary to ensure that these techniques are used only in emergency situations and that proactive measures are in place to prevent future use.

Further oversight is also necessary to evaluate disparities within school systems and guide legislators to any policies that need to change.

Enhancing data collection will allow MSDE to evaluate these reports and afford stakeholders, like Kennedy Krieger, the opportunity to engage in meaningful dialogue about the implementation and monitoring of behavioral intervention plans and procedures. Inviting stakeholders to work with MSDE in the development of guidelines detailing best practices and the parameters for improved data collection will support the goal of more critical and useful analysis of data.

For example, Kennedy Krieger has previously engaged with MSDE on our internal CQI presentations, which included the formulas we use for rates, etc. We adopted them from literature on inpatient units looking at restraint and seclusion reduction. We compare year to year and month to month (within and across years). We then include the discrete number of students exposed to the intervention and the percentage of students exposed to the intervention. We also then track those students individually.

We would also suggest that MSDE's division of Student Support, Academic Enrichment and Educational Policy division be provided the financial support to expand data collection to include additional parameters, including duration of episodes and the number of students receiving the interventions that allows for disaggregation. With the engagement of appropriate stakeholders, a state-wide data collection system could be established to allow for more careful examination of the use of these procedures.

**Kennedy Krieger Institute requests a favorable report on House Bill 1043.**