



TO: The Honorable Anne R. Kaiser, Chair
Members, House Ways and Means Committee
The Honorable Jheanelle K. Wilkins

FROM: Pamela Metz Kasemeyer
Richard A. Tabuteau

DATE: February 26, 2020

RE: **SUPPORT ONLY IF AMENDED** - House Bill 1043 – *Education – Physical Restraint and Seclusion – Guidelines and Reporting*

For more than 60 years, Linwood Center has been providing life-changing programs and services for children and adults living with autism and related developmental disabilities. Linwood currently supports child and adults on the autism spectrum from jurisdictions throughout the State of Maryland. Linwood is one of a handful of programs in the United States and one of only three in the state of Maryland that provides comprehensive education and residential programs throughout the lifespan under one service umbrella. Linwood offers program continuity from childhood into adulthood, developing lifelong relationships with individuals living with autism from elementary school through retirement and old age. Linwood's accredited nonpublic special education program and licensed residential programs provide intensive positive behavioral supports and long-term educational and vocational services to Maryland's autism community. Linwood respectfully offers its **support, only if amended**, for House Bill 1043.

House Bill 1043 proposes several enhancements to the requirement for the State Department of Education to collect data on restraint and seclusion incidents. Included in revisions is a requirement for the Department to analyze the collected data and make recommendations on how to reduce the use of restraints and seclusion by the top 30% of public agencies and nonpublic schools having the highest rate of such incidents.

Linwood appreciates the objectives of the sponsor in requiring enhanced data collection and evaluation and a focused effort to address those agencies and schools with the high rates of restraint and seclusion. However, Linwood is concerned that the legislation fails to recognize the need to incorporate into the data analysis a recognition that rates of restraint and seclusion incidents must account for the health and behavioral status of the students served by nonpublic special education schools, especially nonpublic education schools such as Linwood, who serve a population of students with significant acuity levels and behavioral challenges. Without a carefully developed framework for data analysis, schools such as Linwood may be mistakenly characterized as overusing restraints and seclusion even when such interventions are warranted and even necessary to protect the health and well-being of their students.

Linwood requests that the bill be amended to include provisions that require any data analysis to account for the demographics, health and behavioral status of the students served to ensure that any findings and recommendations reflect appropriate evaluation of the use of restraint and seclusion based on the student population. With its amendment noted, Linwood does not object to the passage of House Bill 1043.

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