



**Maryland Developmental
Disabilities Council**

EMPOWERMENT • OPPORTUNITY • INCLUSION

House Ways and Means Committee

February 26, 2020

HB 1043: Education –Physical Restraint and Seclusion – Guidelines and Reporting

Position: **Support**

National data demonstrate that restraint and seclusion are used disproportionately with students who have disabilities. As such, 2017 legislation was adopted and required, for the first time, collection and reporting of data regarding the use of restraint and seclusion in public and nonpublic schools throughout the state.

The legislation also required the appointment of a workgroup to make recommendations to the Maryland State Department of Education (MSDE) regarding revisions to regulations. The workgroup issued its report; MSDE adopted some, but not all, of the recommendations, and new regulations were finalized in 2018, strengthening the protections in place for students.

Two reports from MSDE have been issued, covering the 2017-18 and 2018-19 school years. **The incidence of restraint and seclusion remains extremely high in many jurisdictions.**

- Calvert County reported 576 restraint incidents during 2017-2018, and 750 during 2018-2019.
- Frederick County reported just under 2,000 restraint incidents during 2018-2019, a marginal decrease from the previous year, but jumped from 837 incidents of seclusion to 1,604 - the highest in the state.
- **Across all districts, the vast majority of students who are restrained and placed in seclusion are students with disabilities and the majority are in elementary school.**

WHY is this legislation important?

- **Reports clearly show students with disabilities are at a greater risk of restraint and seclusion.** This is despite the fact that “there is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques.”¹
- The required report includes data about all students - those with and without disabilities – so the Division of Student Support, Academic Enrichment, & Educational Policy is responsible for oversight.
- The Division collects the data, but does no analysis or outreach to school systems with high rates of restraint and/or seclusion.
- **Therefore, HB 1043 requires data analysis; specific recommendations to certain school systems and schools about how to reduce the use of restraint and seclusion; verification for any school system reporting no use of restraint or seclusion; and the development of an accountability structure.**

Ultimately, requiring MSDE to be responsible for reducing the use of restraint and seclusion in public and nonpublic schools.

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¹ U.S. Department of Education, *Restraint and Seclusion: Resource Document* <www.ed.gov/policy/restraintseclusion>, May 2012.