

Karen B. Salmon, Ph.D. State Superintendent of Schools

BILL: House Bill 1043 DATE: February 21, 2020

SUBJECT: Education – Physical Restraint **COMMITTEE:** Ways and Means

and Seclusion – Guidelines and

Reporting

POSITION: Information Only

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EXPLANATION:

The Maryland State Department of Education (MSDE) is providing information for consideration regarding House Bill 1043 – Education – Physical Restraint and Seclusion – Guidelines and Reporting. House Bill (HB) 1043 requires the MSDE to collect certain data on restraint and seclusion incidents; to provide certain data to a certain entity; to analyze the data collected; verify certain data in certain circumstances; and make certain recommendations. Additionally, HB 1043 requires the MSDE to collect certain data on compliance with certain regulations; cooperate with institutions of higher education to develop certain guidelines and programs; make stylistic changes; identify gaps in teacher and service provider preparation regarding restraint and seclusion; and develop mandatory professional development programs generally relating to the use of physical restraint and seclusion.

The implementation of HB 1043 would have a significant fiscal and operational impact on the agency. The MSDE does not currently have the capacity to implement the requirements of HB 1043 with current staffing levels. The MSDE estimates that a qualified specialist with specific knowledge of restraint, seclusion, positive behavior strategies, supports and interventions, and trauma-informed care, as well as the ability to collect and analyze data and consult with higher education, nonpublic, and public institutions around issues of restraint and seclusion, would be needed. A qualified data analyst would also be needed to perform the data-related functions described above.

House Bill 1043 may affect local school systems' funds by necessitating the creation of data systems to collect the required data and the incursion of costs from offering professional development for designated school personnel. There may also be additional costs incurred to pay for substitute teachers while teachers are receiving this professional development training.

We respectfully request that you consider this information as you deliberate **HB 1043**. For further information, please contact Tiffany Johnson Clark at 410-260-6028 or tiffany.clark1@maryland.gov.