

HB 1166 Education – Physical Restraint and Seclusion – Requirements, Reporting, and Training
Ways and Means
February 24, 2021

- Number of physical restraint incidents for students with a 504 Plan disaggregated by area;
- Number of physical restraint incidents for students by race/ethnicity;
- Number of physical restraint incidents for students by gender; and
- Number of physical restraint incidents for students by age.
- Seclusion data:
 - Total number students who were secluded;
 - Total number of seclusion incidents;
 - Number of seclusion incidents for students with an Individualized Education Program (IEP);
 - Number of seclusion incidents for special education students disaggregated by disability type;
 - Number of seclusion incidents for students disaggregated by educational placement type;
 - Number of seclusion incidents for students with a 504 Plan;
 - Number of seclusion incidents for students with a 504 Plan disaggregated by area;
 - Number of seclusion incidents for students by race/ethnicity;
 - Number of seclusion incidents for students by gender; and
 - Number of seclusion incidents for students by age.
- Professional development provided to school staff on content related to restraint and seclusion based on the following categories:
 - Positive behavior interventions, strategies, and supports;
 - Training in the use of seclusion;
 - Trauma-informed interventions;
 - Training in CPR/first aid;
 - Evidence-based crisis prevention and intervention training programs; and
- Certification indicating that a member of the LSS, other public agency, or nonpublic school has:
 - Observed seclusion rooms; and
 - Reviewed training plans for seclusion.
 - Name and title of the individual:
 - Who conducted the observation of seclusion rooms; and
 - Reviewed training plans for seclusion.
 - Findings from observations of:
 - Seclusion rooms; and
 - Training plans for seclusion.

HB 1166 adds to the data collection, the number of incidents for *each student* disaggregated by public agency and nonpublic school, disability, race, gender, age, and placement type and attain verification from any public agency or nonpublic school that reports no physical restraint incidents or no seclusion incidents. Data collection at this level of detail may not yield results that can be released publicly due to data suppression requirements that protect student privacy.

HB 1166 will require the MSDE to develop and issue guidance on best practices to inform professional learning plans in public agencies and nonpublic schools in conducting positive behavioral health interventions and reducing incidents of physical restraint and seclusion. This will require consultation

with Institutions of Higher Education and the Professional Standards and Teacher Education Board to adopt positive behavior intervention training requirements.

The MSDE currently provides a number of programs that support the implementation of positive behavioral interventions that are available to all local school systems. These include: Disproportional Discipline data collection and technical assistance, Positive Behavioral Interventions and supports, and the Restorative Approaches Collaborative.

For local school systems, HB 1166 requires that a licensed physician, licensed psychologist, or a licensed clinical social worker, who is clinically familiar with the student, to be on site and directly observing a student during the use of seclusion. This will be a challenge to implement. HB 1166 further requires that contraindications for the use of seclusion for a student must be determined by one of the three above listed individuals, and an assessment completed by this same individual at least annually. Local agencies and nonpublic schools will likely incur additional costs to meet this requirement.

We respectfully request that you consider this information as you deliberate **HB 1166**. For further information, please contact Zachary Hands at 410-767-0504 or Zachary.hands1@maryland.gov.