



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Education, Health, and Environmental Affairs Committee

March 2, 2022

SB 705: Education – Physical Restraint and Seclusion – Limitations, Reporting, and Training

Position: Support

State data demonstrate that restraint and seclusion are used disproportionately with students who have disabilities. Data from 2019-2020 school year from Maryland State Department of Educationⁱ shows:

- Restraint was used a total of 12,310 times. 59% of the incidents involved students with disabilities.
- Seclusion was used a total of 6,487 times. 57% of the incidents involved students with disabilities.
- 97% of seclusion incidents and 89% of restraint incidents happened to students in special education settingsⁱⁱ, compared to only 3% and 11%, respectively in general education.

The data clearly show Maryland’s over 105,000 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.”ⁱⁱⁱ According to the U.S. Department of Education’s resource document on restraint and seclusion, restraint and seclusion should never be used except in situations in which a student’s behavior poses imminent danger of serious physical harm to self or others.

Despite regulations and policy, many Maryland local school systems and many of its nonpublic schools rely too heavily on restraint and seclusion as routine ways of attempting to manage student behavior instead of treating them as the truly rare, emergency interventions they are meant to be. SB 705 addresses this problem by: (1) prohibiting seclusion in public schools and imposing additional requirements before seclusion can be used in nonpublic special education schools, and (2) by addressing some of the gaps that have been illuminated by four years of the reporting requirements.

WHAT does this bill do?

- **Prohibits seclusion in public schools, and imposes additional requirements for the use of seclusion in nonpublic special education schools.**
- Requires MSDE to develop an accountability structure and to take responsibility for reducing the use of restraint and seclusion in public and nonpublic schools
- Ensures all teachers and administrators and the staff who work with students on a daily basis receive sufficient professional development regarding evidence-based positive behavior interventions and supports and trauma-informed interventions

Addressing gaps in teacher preparation and professional development and increasing the ability of school staff to better meet the needs of their students will ultimately help reduce the reliance on restraint and seclusion as a tool of classroom management. **Increasing the accountability of local school systems and the state is a critical component to ensure efforts to make learning environments safe and ensure students have the supports and services needed so that restraint and seclusion are unnecessary.**

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ⁱ Data reported for the 2019-2020 school year <http://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-1102_2020.pdf>.

ⁱⁱ Special education settings include separate classes, public/private separate day schools, and residential settings.

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