



**Testimony of Denise Marshall, CEO – Council of Parent Attorneys and Advocates (COPAA)
Subcommittee on Education, Health and Environmental Affairs Committee, Maryland Senate
RE: Senate Bill 705 / House Bill 1255
Position: Favorable with Amendments**

March 2, 2022

Dear Chair Pinsky and members of the subcommittee:

I am Denise Marshall, Chief Executive Officer for the Council of Parent Attorneys and Advocates, or COPAA. Based in Towson, Maryland, COPAA is the nation's premier advocacy organization for the 7.3 million children with disabilities eligible for special education services under the *Individuals with Disabilities Education Act* (IDEA). Our work also supports the approximately 110,000 students eligible for special education in Maryland - who represent nearly 12 percent of the state's overall student population. Our members, including nearly 3,000 attorneys, advocates, and parents nationally and more than 120 in Maryland, work as a voice for special education rights and are guided by the belief that every child deserves the right to a quality education that prepares them for meaningful employment, higher education, and lifelong learning, as well as full participation in their community.

I am here today to advocate on behalf of the Maryland students with disabilities who are disproportionately traumatized by the use of seclusion and restraint in Maryland public schools. Make no mistake, unbelievably, despite all that we know about the dangers and trauma caused by these practices, there are thousands of children subjected to this form of abuse in Maryland every year.

In fact, right now, hundreds of Maryland students are locked alone in a room or space from which they cannot exit; afraid, often unsure how they got there or how they will get out. We know some of these students are as young as 4 or 5 years old.

A recent case brought by the U.S. Department of Justice against Frederick County Public Schools found widespread use of these practices despite official data that showed far fewer instances, highlighting the importance of this legislation.

National data indicates that students with disabilities are roughly 20 times more likely than their peers without disabilities to be restrained or secluded while in the care of their public school.

This abuse must stop.

Schools should be positive environments that foster learning, respect, and self-worth. Restraint and seclusion have no efficacy and are dangerous, causing trauma, injury and even death. No child should intentionally be subjected to traumatizing and dangerous behavior in school.

COPAA is pleased to see that HB 1255/SB 705 would end the use of seclusion in all public schools. This is an important step forward. The bill would increase school accountability and transparency regarding the use of the practices of restraint and seclusion. Among other important measures, the bill would:

- Require the Maryland State Department of Education to collect and analyze data on restraint and seclusion and verify with schools when zero instances are reported.
- Require the Maryland State Department of Education to develop an accountability system to measure compliance; make an annual restraint and seclusion report to the general assembly and release the report to the public within 30 days of submission.
- Require the State Superintendent to identify gaps in training and work with higher education to ensure sufficient training for teachers and staff, thereby reducing the illegal reliance on restraint and seclusion as a classroom management tool.

We also appreciate that the bill will shore up a significant gap in the state's current law by documenting the use of these practices in Maryland's non-public alternative schools, which disproportionately serve students with disabilities and students of color. As a leader in the national effort to end the use of seclusion and restraint in schools, *COPAA is concerned, however, that HB 1255/SB 705 carves out an allowance for seclusion in non-public schools based on the presence of a behavioral clinician.* This provision would appear to sidestep an important safeguard for students; therefore, COPAA recommends that this language be struck from the bill.

With that change, COPAA urges legislators to pass an amended HB 1255/SB 705 to protect students from further abuse and trauma and ensure teachers and other school professionals are trained in classroom management techniques that promote the health and safety of all.

As you continue this work, please view COPAA as a partner and resource. As a leader in the national effort to end the use of seclusion and restraint in schools, we are actively working with allies in the U.S. Congress to pass the *Keeping All Students Safe Act* which would set minimum standards in the use of restraint and prohibit the use of seclusion in all schools that accept federal education funds, among other important requirements. To highlight the critical need for a federal law, we published the report [The Crisis of Trauma and Abuse In Our Nation's Schools](#) where we comprehensively document the emotional and physical havoc that seclusion and restraint continue to wreak on thousands of children and their families. I would be happy to make this report available to you and the committee.

We appreciate the opportunity to speak in today's hearing and look forward to supporting this work moving forward.