

---

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

---

## SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

### SENATE BILL 705: EDUCATION—PHYSICAL RESTRAINT AND SECLUSION— LIMITATIONS, REPORTING, AND TRAINING

MARCH 2, 2022

#### POSITION: SUPPORT

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland's public school systems. We are committed to making discipline responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **We support Senate Bill 705, which aims to reduce the use of restraint and seclusion, which can be punitive and traumatic for students in Maryland's public and nonpublic schools.** This bill is critical to ensuring that school systems reduce reliance on the use of restraint and seclusion to manage students' behaviors and instead implement positive behavioral interventions, strategies and supports, and trauma-informed interventions to better support and meet the needs of students with behavioral or social-emotional challenges.

This legislation contains several important provisions that will improve upon the existing law governing restraint and seclusion that was enacted in July 2017. The legislation would 1) prohibit the use of seclusion in public schools and further regulate its use in nonpublic special education schools; 2) require collection of additional data about the use of restraint and seclusion with students in public and nonpublic schools, 3) require analysis of that data; 3) require the Maryland State Department of Education to develop an accountability system to ensure that the strong regulations and guidance in place in Maryland are implemented fully, and 4) would increase the ability of school staff to better meet the needs of their students by addressing gaps in professional development, thereby reducing the reliance on restraint and seclusion as a tool of classroom management.

Restraint and seclusion can be aversive, trauma-inducing and dangerous, often resulting in injury to students and sometimes to school staff as well. On occasion, including in Maryland, these interventions can be fatal. The General Assembly has now received four reports from MSDE covering the 2017-18, 2018-19, 2019-20 and 2020-21 school years. The incidence of restraint and seclusion remains extremely high in many jurisdictions. Frederick County reported just under 2000 restraint incidents during the 2018-19 school year, a marginal decrease from the previous year, but jumped from 837 incidents of seclusion to 1604, the highest of any jurisdiction in the state. In fact, the United States Department of Justice concluded a lengthy investigation recently, entering into an agreement with Frederick County that requires the immediate cessation of the use of seclusion and a host of other corrective actions, both student-oriented and systemic. Many districts disproportionately restrain and seclude students of color, such as Montgomery, where during the 2018-19 school year, 72% of the restraint incidents and

77% of the seclusion incidents involved students of color. This was no different in the 2019-20 school year, when 530 of the 778 ((68%) restraint incidents and 75% of the seclusion incidents in Montgomery County involved students of color. Also notable is that in the 2019-20 school year, the year in which school buildings closed in mid-March because of the coronavirus pandemic, the number of restraint incidents increased in Baltimore City, Garrett County, Harford County and Worcester County, and the number of seclusion incidents increased in Allegany County, Baltimore County, Dorchester County, Montgomery County, Washington County, and Worcester County. 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. Notably, students in nonpublic special education schools are also restrained and placed in seclusion at a high rate. Also notable is that several local school systems (Anne Arundel County, Baltimore City, Caroline County, Prince George's County, Somerset County and Wicomico County) prohibit the use of seclusion, as do a number of nonpublic special education schools that serve students with complex disabilities.

Senate Bill 705 is needed because it would address some of the gaps illuminated by the Senate Bill 786 Implementation process. MSDE's Division of Student Support, Academic Enrichment & Educational Policy collects the data required by Senate Bill 786 but does no analysis of the data and makes no effort to identify school districts or nonpublic schools that may be violating the regulations. The Division makes no attempt to identify trends or to target districts with a high use of restraint and seclusion for support, professional development or enforcement. Part of the reason there has been no data analysis or follow up with districts is because MSDE's Division of Student Support, Academic Enrichment & Educational Policy, unlike the Division of Early Intervention and Special Education, has no accountability structure in place to ensure compliance with the regulations. In addition to the data already required to be reported to MSDE by local school systems, public agencies and nonpublic schools, Senate Bill 705 would require reporting of individual student data from a student's school to the local school system and to MSDE if a student is restrained (or secluded if in a nonpublic school) 10 or more times in a school year. Senate Bill 705 would also require MSDE to verify the data and to develop an accountability system to ensure compliance and to take responsibility for reducing the use of restraint and seclusion in public and nonpublic schools.

Finally, although the importance of teacher preparation and professional development were recognized with a limited attempt to address these critical issues even in the initial 2003 legislation enacted by the General Assembly, it has become increasingly evident that many teachers enter their classrooms unprepared to meet the academic and behavioral needs of their students. By requiring additional training, Senate Bill 705 recognizes and makes a more robust effort to address this issue.

Ultimately, Senate Bill 705 takes an important step forward in ensuring that local school systems reduce their reliance on restraint and seclusion to manage student behavior and instead invest in rehabilitative strategies that foster positive student behavior and a positive school climate for all.

**For these reasons, CRSD supports Senate Bill 705.**

For more information contact:

Megan Berger  
Disability Rights Maryland  
443-692-2504  
Megan.Berger@disabilityrightsmd.org

**CRSD Members**

ACLU- Maryland  
Alliance Against Seclusion and Restraint  
The Arc Maryland  
BMore Awesome  
Community Law in Action  
Disability Rights Maryland  
Family League of Baltimore  
NARAL- Pro-Choice Maryland  
Office of the Public Defender  
Open Society Institute-Baltimore  
Project HEAL at Kennedy Krieger Institute  
Public Justice Center  
Restorative Counseling Services  
Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law  
Schools Not Jails  
The Choice Program at UMBC  
Youth, Education and Justice Clinic- University of Maryland Francis King Carey School of Law  
Gail L. Sunderman  
Lindsay Gavin  
Kelsie Reed  
Janna Parker  
Shannon McFadden