

Date: March 2, 2022
Bill: Senate Bill 705
Position: Information Only
Contact: Annie McLaughlin
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Annie McLaughlin Consulting is providing information with recommendations with regards to Senate Bill 705.

We recommend two considerations:

- 1) Respectfully ask that the bill be amended to include licensed behavior analysts (LBAs) in section D of page 5 of the printed bill.
- 2) Respectfully ask that you consider including public agency's use of seclusion with the same oversight and considerations that are proposed in this legislation for nonpublic schools. A public agency's use could be limited to the most restrictive public setting such as a public separate day school.

Annie McLaughlin Consulting is an IEP advocacy group that works with families and school districts across the state of Maryland. Many of our clients have significant challenging behaviors that interfere with their learning. We have seen, firsthand, the unique role that LBAs play in supporting students across the state as well as the critical role that individualized positive behavior supports play in decreasing challenging behavior and increasing skills for students with disabilities. We have also seen the devastating effects of when seclusion and restraint are use inappropriately. With this experience and education as a PhD in Special Education, I come to you with some additional information.

The proposed language limits which health care practitioners may use seclusion in a nonpublic school by excluding licensed behavior analysts (LBAs). As a licensed behavior analyst (LBA) by the Maryland Department of Health since 2015 (the first year the license was available in Maryland), I understand the unique qualifications, experience, supervision, specialization, and perspective that LBAs have. We are trained extensively in designing, implementing, and evaluating the systematic instructional and environmental modifications that are necessary to produce socially significant behavior. LBAs have an ethical obligation under their state license and national certification to focus on non-aversive techniques while thoroughly understanding crisis prevention and intervention. LBAs are regularly responsible for developing and implanting crisis management procedures throughout schools, clinics, and the community settings for which they serve. LBAs should be included in this bill as qualified health professionals.

While I understand the need to decrease the use of seclusion, I worry about the effects of limiting a public agency's use of it. When you have students who need seclusion, the oversight should begin at that point and not be related to the actual physical building. If a student needs seclusion, it will be an automatic push down the least restrictive environment path to a nonpublic school when the student may not otherwise need it. I would respectfully ask that you consider including public agency's use of seclusion with the same oversight and considerations that are proposed in this legislation for nonpublic schools.

We respectfully request that you consider this information and possible amendments to the bill.



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