

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1043  
Ways and Means

(Delegate Wilkins, *et al.*)

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**Education - Physical Restraint and Seclusion - Guidelines and Reporting**

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This bill requires local school systems and nonpublic schools to report annually on the total *unduplicated* number of physical restraint incidents and the total number of *unduplicated* seclusion incidents to the Maryland State Department of Education (MSDE). MSDE must provide the data to the Maryland Longitudinal Data System Center. MSDE must analyze the data, make recommendations in specific areas, and work with institutions of higher education to (1) identify gaps in teacher preparation; (2) issue guidelines detailing best practices; and (3) develop a mandatory professional development program. **The bill takes effect July 1, 2020.**

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**Fiscal Summary**

**State Effect:** MSDE can implement the bill with existing budgeted resources, as discussed below. No effect on revenues.

**Local Effect:** Local school systems can provide the required data to MSDE with existing budgeted resources. No effect on revenues.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The data provided by local school systems and nonpublic schools on restraints and seclusions must be disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement.

The bill clarifies that a report by local school systems and nonpublic schools on professional development provided to designated personnel that is required under current law must be delivered by December 1 of each year, beginning with the 2021-2022 school year.

MSDE must:

- analyze the data collected on restraint and seclusion incidents;
- require verification from any public agency or nonpublic school that reports no restraint incidents or no seclusion incidents;
- make specific recommendations on how to reduce the use of restraint and seclusion by the top 30% of public agencies and nonpublic schools that have the highest number and rates of restraint or seclusion incidents;
- collect data on the compliance of public agencies and nonpublic schools with any regulations adopted by MSDE.

**Current Law:** Chapter 611 of 2017 required MSDE to convene a task force to examine policies and practices related to behavioral interventions in schools, including the use of restraint, seclusion, and trauma-informed interventions. The task force was required to report to the State Board of Education and the General Assembly by October 1, 2017, on specified findings and recommendations related to seclusion. Chapter 611 also requires public agencies, as defined by the bill, and nonpublic schools to report annually on the use of physical restraint and seclusion, as well as on professional development provided to school personnel related to positive behavior interventions, strategies, and supports and trauma-informed interventions. MSDE must provide guidance to public agencies and nonpublic schools and also report to the General Assembly on related matters.

**Background:** The task force established by Chapter 611 completed its report in September 2017, and MSDE delivered the first report on the use of restraint and seclusion in December 2018 (for the 2017-2018 school year). It reported a total of 18,222 physical restraint incidents that year, of which 8,528 (47%) were in 44 nonpublic schools. Among local school systems, Frederick County had the highest number (2,152) and rate (5.1%) of restraint incidents. Frederick County also had the highest number of seclusion incidents (837), and Calvert County had the highest rate (4.4%) of seclusion incidents.

**State Fiscal Effect:** Under Chapter 611, MSDE already collects substantial amounts of disaggregated information on restraint and seclusion incidents; the addition of unduplicated (instead of just total) counts should be feasible using existing resources. Similarly, Chapter 611 requires MSDE to analyze the data and provide guidance to local school systems on issues related to restraint and seclusion; therefore, MSDE should be able to comply with the bill's requirements with existing resources.

**Additional Comments:** Nonpublic schools should be able to submit the required data to MSDE with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Maryland Higher Education Commission; University System of Maryland; Morgan State University; Baltimore City Public Schools; Montgomery County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2020  
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