

Dear Madame Chair and Members of the Health and Government Operations Committee,

As both an individual with a speech disability and juvenile justice advocate who has fought to combat the high rates of abuse of students of color and students with disabilities (and especially students of color with a disability), I am writing to request your support for HB 1292: Public Schools - Special Education Classrooms - Use of Video Recording Devices. The installation of video recording devices in all special education classroom is a critical step towards ensuring our most vulnerable students are protected from emotional, verbal, and physical abuse.

Why are our students with disabilities so vulnerable to the risk of abuse? Just look at the statistics. According to a [2018 fact sheet](#) by the Office of Victims of Crimes (U.S. Department of Justice), individuals with disabilities were at least twice as likely as people without a disability to be victims of “violent victimization”. Specially, 30 out of every 1000 individuals with a disability age 12 or older reported being a victim of a violent victimization, compared to 12 out of every 1000 individuals age 12 or older without a disability. Moreover, between 2011 and 2015, nearly **60 out of every 1000** individuals with a cognitive disability age 12 or older reported being a victim of violent victimization. Other statistics show that children with disabilities are 3.7 times more likely to experience violence than children without a disability (and 2.9 times more likely to experience sexual abuse). And 60% of students with disabilities are bullied compared to 25% of students without disabilities.

Focusing on abuse by educators, in the [2009 GAO Report “Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers”](#), investigators found hundreds of cases of alleged abuse and death related to the use of restraint and seclusion on school children during the past two decades – and almost all of the allegations involved children with disabilities. A common theme with cases that involved death was that most of the students were nonverbal. Additionally, at least half of the educators involved in the cases under review by the GAO remained employed. The statistics have not changed. The U.S. Department of Education reported nearly 70,000 students covered under the Individuals with Disabilities Education Act were restrained or secluded in the 2013-14 school year, accounting for over 200,000 incidents. In another recent study, NPR and Propublica found that although students with disabilities represent only 12% of the public school population, they comprise two-thirds of the children who are physically restrained or secluded from their classmates annually. Since the 2009 GAO, many states, including Maryland, have passed laws to better protect students from restraint and seclusion, yet much more is needed to truly protect our kids from such practices, along with other forms of abuse by educators, peers, or volunteers.

Of equal concern is the fact that too many reports of abuse stop at the schoolhouse. Unless one is well-trained in understanding that **communication** goes beyond just verbal speech, many in law enforcement or the justice system will not investigate or bring charges against those suspected of abusing/harming a non-verbal child because they think the court will find the child’s testimony or statements to be uncreditable. Will having such incidents on video tape automatically hold people accountable – of course not – but as has been seen in this increasing age of posting such vicious acts on social media, it will be a significant step in the right direction to ensure our kids are listened to. At the same time, I strongly urge you to amend the bill to

require video recording devices include audio so that there is clear evidence on both sides of what happened.

Thank you,

India Ochs
Annapolis, Maryland

