

February 24, 2020

Guy Stephens
338 Sachem Drive
Lusby, Maryland 20657

House Bill 1292: Public Schools - Special Education Classrooms - Use of Video
Recording Devices

Position: Support

Members of the Ways and Means Committee,

I am writing to you today because I am concerned that the civil rights of disabled children in schools across the state are being routinely violated. Children with disabilities make up about 12% of the total enrollment in our schools. However, disabled children with special education placements account for 93% of the children who are physically restrained and 98% of the children who are involuntarily forced into seclusion rooms. To complicate things further, restraint and seclusion are often underreported, as has been documented by the Government Accountability Office (GAO). Nonverbal students and those with significant cognitive disabilities are particularly vulnerable. The use of restraint and seclusion can lead to trauma, injuries, and even death. I am not alone in my concern that the disproportionate use of restraint and seclusion can be an indicator of civil rights violations. In 2016, the U.S. Department of Education's Office for Civil Rights issued guidance to inform school districts that the use of restraint and seclusion may result in discrimination against students with disabilities.

I am writing to you because my autistic son was inappropriately restrained and secluded numerous times while attending a Maryland public school. As you may be aware, Maryland has one of the stronger laws related to the use of restraint and seclusion. These interventions are intended as measures of last resort, however, they are often used in schools across the state when the required legal criteria for use of these interventions has not been met, putting students, teachers, and staff in unnecessary danger. Restraint and seclusion should only be used according to COMAR in situations with a high likelihood of imminent serious physical harm. These are life and death situations that should be exceedingly rare in our schools. It is my opinion, based on research, that when restraint and seclusion are used it is an indication that

the school is not appropriately meeting the individual needs of a disabled student. When children's needs are not appropriately met it can lead to challenging behaviors in their classrooms, which sometimes can escalate to a crisis.

I am writing to support House Bill 1292 because I believe that we can and must do better for students, teachers, and staff in our schools. The data show that disabled students in Maryland schools are disproportionately being restrained and secluded. This is not only a significant problem but it is a civil rights issue. I believe that cameras in our self-contained special education classrooms can provide necessary accountability and oversight. Cameras in the classroom can help us determine if restraint and seclusion are being used as specified by COMAR. Dr. Karen Salmon recently assured me in a letter that the Maryland State Department of Education is working hard to ensure that restraint and seclusion are truly being used as an intervention of last resort, I believe cameras can help. I believe that cameras also provide an opportunity to learn from experience. When reviewing the video for a reported event video could allow us to consider how staff can do better in the future and avoid unnecessary and dangerous crisis situations.

Cameras are not the answer to every issue, but I believe they can be a useful tool to ensure safe, transparent and accountable schools. Thank you for your time today. I hope you will support this legislation to make our classrooms safer for all.

Respectfully,

A handwritten signature in black ink, appearing to read 'G. Stephens', with a long horizontal flourish extending to the right.

Guy Stephens