



**DATE:** March 30, 2021    **COMMITTEE:** Senate Education, Health and Environmental Affairs  
**BILL NO:** House Bill 1166  
**BILL TITLE:** Education – Physical Restraint and Seclusion – Reporting and Training  
**POSITION:** Support

## **Kennedy Krieger Institute supports House Bill 1166 – Physical Restraint and Seclusion –Reporting and Training**

### **Bill Summary:**

Each public agency and nonpublic school is currently required to annually submit a report to the Maryland State Department of Education (MSDE) outlining the number of physical restraint and seclusion incidents. House Bill 1166 takes that data reporting further, adding extra metrics and reporting requirements. Public agencies and nonpublic schools must also report on the steps the school has taken to encourage positive behavioral interventions. The bill requires MSDE to analyze data reporting the use of physical restraint and seclusion in schools and make recommendations on policy changes and professional development opportunities. Additionally, the MSDE, in consultation with representatives of higher education and Professional Standards and Teacher Education Board, will adopt positive behavioral training requirements for all employees who routinely interact with students.

### **Background:**

Section 7-1102.1 of the Education Article of the Annotated Code of Maryland requires the MSDE to report annually on the findings and recommendations of data collected by public and nonpublic schools on the use of physical restraint and seclusion.

Data are currently collected using an online survey for reporting: (1) Number of physical restraints and seclusion incidents, disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement; and (2) Professional development provided to designated school personnel related to positive behavioral interventions, strategies, supports, and trauma-informed interventions.

While these reports are welcome in providing transparency in school use of physical restraint and seclusion, they do not provide for an analysis which the MSDE can use to formulate guidance, professional development, and accountability, which would result in a decrease in the use of these interventions. Further these reports do not include critical information including the many types of physical restraint, which can range very broadly in restrictiveness or durations, and are essential in understanding any use of physical restraint. Duration of seclusion, also a crucial portion of data, is also not included.

### **Rationale:**

Kennedy Krieger Institute is home to a nationally recognized “Blue Ribbon School of Excellence” comprehensively committed to providing innovative special education and clinical services for children, adolescents and young adults with a wide range of learning, emotional, physical, neurological and developmental disabilities.

Our mission is to enable students to reach their potential academically, socially and behaviorally. We are committed to protecting all students and staff, ensuring that they share a safe environment to learn and grow. It is this commitment that requires us to provide our support in the effort to adequately and carefully regulate the use of physical restraint and seclusion.

Physical restraint and seclusion are serious, last-resort techniques for ensuring safety. Each must be carefully designed and implemented by highly trained staff. The use of these interventions must be immediately

balanced against the risk of failing to intervene in the presence of imminent danger to a person. Efforts to improve safety for students, when the balance of risk requires this use, must be supported.

The enhanced collection and use of data to increase student safety is critical in the effort to reduce these procedures. It is essential that MSDE's division of Student Support, Academic Enrichment and Educational Policy be provided the resources, financial and structural, to support this mission. Expanded data collection and the beginning of meaningful analysis will allow MSDE to develop guidance, professional development opportunities, and accountability regarding restraint and seclusion. Kennedy Krieger has met with the highly committed professionals in this agency, critical to student safety, and we understand they must be given the tools, both in personnel and infrastructure they request. An unfunded mandate will not provide what all students need.

Lastly, requiring public agencies and nonpublic schools to review, improve, and report efforts to reduce the use of physical restraint and seclusion is the logical next step in any effort improving services. Kennedy Krieger employs an internal Continuous Quality Improvement (CQI) process, based on literature from clinical settings using physical restraint and seclusion, to review all aspects of the use of restraint and seclusion in our schools. This review includes types of physical restraints, durations of interventions, as well as the comparison of trends within and across years both for individual students and student cohorts. This process is critical in understanding our success or failure in treating and educating our students. A state-wide process with the initial steps required for the analysis of these interventions should not be envisioned as a punishment for schools serving students who may present behavior requiring restraint and seclusion. Rather, it must be envisioned and supported as a state-wide CQI effort to reduce the use of physical restraint and seclusion with each individual student. Every program in Maryland would benefit from the discussion and dissemination of this work.

**In consideration of all these critical issues Kennedy Krieger Institute requests a favorable report on House Bill 1166.**