

BILL: House Bill 1166
TITLE: Education – Physical Restraint and Seclusion – Requirements, Reporting, and Training
POSITION: SUPPORT
DATE: March 30, 2021
COMMITTEE: Education, Health, and Environmental Affairs
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The Maryland Association of Boards of Education (MABE) supports House Bill 1166 as amended in the House.

As amended, MABE believes that this legislation builds on the comprehensive reforms enacted in 2017 and the corresponding regulations governing the use of restraint and seclusion. These comprehensive regulations were the work product of a task force established by the General Assembly in 2017 which was charged with examining all practices and procedures related to behavioral interventions in schools, inclusion the use of restraint, seclusion, and trauma-informed interventions. House Bill 1166 enhances reporting and accountability measures relating to this framework.

Specifically, the task force fulfilled the legislative directive to consider and develop recommendations on the following: (1) the circumstances under which, and the types of schools in which, restraint and seclusion shall be prohibited; (2) contraindications for restraint and seclusion and who may authorize restraint and seclusion; (3) definitions of “positive behavior interventions, strategies, and supports” “behavior intervention plan”, and “trauma informed interventions”; (4) professional development requirements for school staff regarding behavioral interventions; (5) minimum requirements for policies and procedures to be developed by local school systems, public agencies, and nonpublic schools; and (6) standards for monitoring compliance by local school systems, public agencies, and nonpublic schools.

The comprehensive regulations arising from this task force were adopted in 2018. MABE endorses the thorough approach taken by the task force in crafting these regulations, including clearly defined terms, student-oriented safety measures, parental consent, and professional development. Attached is the departmental guidance issued in July of 2019 accompanying the regulations.

MABE recognizes and respects the work of advocates calling not only for strict limitations on the use of restraint and seclusion, but also for the absolute, or near absolute, prohibition on the use of seclusion. However, MABE believes that the approach taken under House Bill 1166 better represents the need to regulate, monitor, and hold school systems accountable for approving and administering the use of restraint and seclusion. This legislation strengthens accountability for the strict limitations that are now clearly set forth in regulations.

For these reasons, MABE requests a favorable report on House Bill 1166.