



HOUSE BILL 1166
Education – Physical Restraint and Seclusion –
Requirements, Reporting, and Training
February 24, 2021
POSITION: SUPPORT

Pathfinders for Autism (PFA) is Maryland’s largest autism organization dedicated to helping individuals, parents, and professionals find resources, support, and training while working to increase the awareness of autism spectrum disorders. We accomplish this through a variety of programs and services, all of which are offered FREE of charge. Last year our programs directly served 19,300 Maryland residents.

Restraint involves restriction that immobilizes or reduces the ability of a student to move their torso, arms, legs or head freely. Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. These interventions are disproportionately used on students with disabilities and students of color. They are dangerous and have led to serious injuries and even death.

The passage of Senate Bill 786 by the Maryland General Assembly in 2017 required the Maryland State Department of Education (MSDE) to collect and report on the use of restraints and seclusion in Maryland public schools. The legislation also required the appointment of a workgroup to make recommendations regarding revisions to the Code of Maryland Regulations, which were finalized in 2018. In response, MSDE issued strong guidance that restraint and seclusion may be used only when a student is at “*substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.*” With new regulations and MSDE guidance in place, the advocacy community expected that the incidence of restraint and seclusion in Maryland schools would decrease.

Unfortunately, that has not been the case. MSDE has now presented three reports that show that the incidence of restraint and seclusion remains extremely high in many jurisdictions. Despite strong regulations and policy, many local school systems still rely heavily on restraint and seclusion as routine ways of attempting to manage student behavior.

The 2020 Physical Restraints and Seclusion Data¹ presented by MSDE reported a total of 12,310 restraints in MD public and nonpublic settings, 38% of the students restrained had an autism diagnosis. The same report indicated a total of 6,486 incidents of seclusion statewide, of which 36% were students with an autism diagnosis. Autism Spectrum Disorder is a complex brain-based difference that impacts a person's communication, sensory processing, social interactions, and behavior. One in 52 Maryland children are diagnosed with an autism. There are over 12,400 children² with autism as their primary diagnosis. Many students with autism have Behavior Improvement Plans as a part of their Individualized Education Plan. 49% of individuals with autism are considered non-verbal, often limiting their ability to report abuse to parents and caretakers.

HB 1166 seeks to address the shortfalls in the 2017 legislation by increasing the accountability and oversight through data verification, analysis, and an accountability system; recommendations to reduce the use of restraint and seclusion across the state and limits the use of seclusion to facilities that have an onsite licensed physician, a licensed clinical psychologist, or a licensed clinical social worker. Ultimately, the bill seeks to protect Maryland students from these trauma-inducing and dangerous practices.

I respectfully ask that you vote in favor of HB1166. For more information, please contact Rebecca Rienzi, Executive Director, Pathfinders for Autism at 443-330-5370 or rrienzi@pathfindersforautism.org.

¹ 2020 Physical Restraints and Seclusion Report: Data Collection, Findings and Recommendations

² Maryland State Department of Education 2018 Special Education Census Data