



TO: The Honorable Anne R. Kaiser, Chair
Members, House Ways and Means Committee
The Honorable Eric Ebersole

FROM: Pamela Metz Kasemeyer

DATE: February 24, 2021

RE: **SUPPORT ONLY IF AMENDED** – House Bill 1166 – *Education – Physical Restraint and Seclusion – Requirements, Reporting, and Training*

For more than 60 years, Linwood Center has been providing life-changing programs and services for children and adults living with autism and related developmental disabilities. Linwood currently supports child and adults on the autism spectrum from jurisdictions throughout the State of Maryland. Linwood is one of a handful of programs in the United States and one of only three in the state of Maryland that provides comprehensive education and residential programs throughout the lifespan under one service umbrella. Linwood offers program continuity from childhood into adulthood, developing lifelong relationships with individuals living with autism from elementary school through retirement and old age. Linwood's accredited nonpublic special education program and licensed residential programs provide intensive positive behavioral supports and long-term educational and vocational services to Maryland's autism community. Linwood respectfully offers its **support** for House Bill 1166, **only if the legislation is amended.**

House Bill 1166 seeks to further define and contain the use of restraint and seclusion in public agencies and nonpublic schools. It specifies that an entity may only utilize restraint and seclusion after all other methods are determined ineffective, including less intrusive, nonphysical interventions, and when the restraint or seclusion is necessary to protect the student or another individual from serious harm. It requires the assessment of students by licensed health professionals if the students may be subject to these interventions. Additionally, the bill outlines observation, time limitations, and parameters for restraint or seclusion. The bill requires the Maryland State Department of Education (MSDE) to analyze data reporting the use of restraint and seclusion in schools and makes recommendations on policy changes and professional development opportunities. Lastly the bill requires public agencies and nonpublic schools to conduct annual reviews of policy and professional development in an ongoing effort to reduce the use of restraint and seclusion.

As an accredited nonpublic special education school, Linwood is required to follow COMAR 13A.08.04. – Student Behavior Interventions, which mirrors the majority of the provisions reflected in this legislation and supports the overall goal of containing the inappropriate use of restraint and seclusion. Linwood also supports the enhanced data collection and analysis reflected in the legislation which will enhance MSDE's ability to develop guidance, professional development opportunities, and accountability regarding restraint and seclusion.

However, Linwood is concerned about the provisions of the bill which reflect the list of health care professionals that are required to provide observation during seclusion. The bill only permits a physician, psychologist, and clinical social worker. It does not reflect the full list of professionals who are qualified to serve

in this role and provide the needed evaluation and oversight when the need for restraint or seclusion is appropriately indicated. The list of professionals should be amended to include additional health care professionals such as nurses, licensed clinical professional counselors and board certified behavior analysts (BCBAs), who all have the appropriate training in trauma informed care. BCBAs at Linwood School are responsible for the training of staff in procedures utilizing seclusion and restraint. They are the most qualified as they are responsible for the behavioral programming of our students and the observation of seclusion and restraint to ensure fidelity of the procedures. BCBAs monitor safety and appropriateness of interventions but also track data and therapeutic benefits of such interventions. To achieve the objectives of the legislation across all public and nonpublic schools, Linwood urges the amendment of the legislation to include additional qualified professionals. Without the amendment, Linwood is unable to support the legislation.

For more information call:

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