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**House Bill 1161: Education - Physical Restraint and Seclusion -  
Requirements, Reporting and Training  
Ways and Means Committee**

**February 24, 2021**

**Position: Support**

The Arc Maryland is a statewide, grassroots advocacy organization dedicated to the rights and quality of life for individuals with intellectual and or Developmental Disabilities and their families and we support House Bill 1161

Following the passage of legislation in Maryland a few years ago, requiring the collection of data on incidents of restraint and seclusion in school, the Maryland General Assembly has now received three reports from MSDE covering the 2017-18, 2018-19 and 2019-20 school years. Despite having three years of data upon which to draw conclusions and develop alternatives to restraint and seclusion, the mounds of data that confirm negative and life-long impacts to students who are the subjects of restraint and seclusion and their peers, and many initiatives to reform school discipline to include alternatives such as restorative practices and trauma-informed care training, **the incidence of restraint and seclusion remains extremely high in many jurisdictions.**

Restraint was used a total of 12,310 times in the 2019-2020 school year.<sup>i</sup> Out of this number, at 59% of all incidents, the overwhelming majority involved students with disabilities. Seclusion was used a total of 6,487 times. 57% of the incidents involved students with disabilities.<sup>ii</sup>

The data also showed that the prevalence of restraint and seclusion was higher for students with disabilities in special education settings (89% and 97% respectively), compared to the number of incidents in the general education setting (11% and 3% respectively).

**The data clearly shows that students with disabilities are at greater risk of restraint and seclusion than the typical population of students in Maryland schools.**

Despite regulations, studies, news stories, and policy, **many Maryland local school systems and many of its nonpublic schools rely too heavily on restraint and seclusion as routine ways of attempting to manage student behavior.**

House Bill 1166 addresses this problem by imposing additional requirements before seclusion can be used, and by addressing some of the gaps that have been illustrated through our state data on restraint and seclusion.

HB1166 will require MSDE to develop an accountability structure and to take responsibility for reducing the use of restraint and seclusion in public and nonpublic schools, impose additional requirements on schools if seclusion is used. The bill will also create a mechanism whereby teachers, administrators staff who work with students on a daily basis

are able to receive sufficient professional development/training to include evidence-based positive behavior interventions and supports and trauma-informed interventions to employ as positive and acceptable **alternatives** to restraint and seclusion.

We believe these components of this important legislation will effectively address gaps in knowledge of our educators and ensure they have alternative tools they may utilize to address the needs of their students with disabilities, in lieu of restraint and seclusion. The Arc Maryland urges a favorable report on HB1161.

Sincerely,  
Ande Kolp  
Executive Director  
The Arc Maryland

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<sup>i</sup> Data reported for the 2019-2020 school year <[http://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-1102\\_2020.pdf](http://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-1102_2020.pdf)>.

<sup>ii</sup> Data reported for the 2019-2020 school year <[http://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-1102\\_2020.pdf](http://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-1102_2020.pdf)>.