



Testimony before the House Ways and Means Committee

House Bill 1166: Education - Physical Restraint and Seclusion – Requirements, Reporting, and Training

****Letter of Information****

February 24, 2021

The National Association of Social Workers, Maryland Chapter (NASW-MD) appreciates the intent of House Bill 1166: Education – Physical Restraint and Seclusion – Requirements, Reporting, and Training. The bill proposes to restrict the use of the restraint and seclusion of students as a behavioral health intervention, require risk assessments and a team-based approach to care, make data-based decisions in policy and intervention, and mandate training in trauma-informed care and positive behavior supports for front-line staff.

While we support the broad aims of this bill we have concerns about the unintended consequences, particularly in public schools, of so severely restricting the options available for a staff that is confronted with a student with an emergent crisis. Both public and non-public schools in Maryland currently serve such students every day.

Particularly for our youngest students, those who have experienced trauma, those with severe disabilities that may impact their access to communication, or those whose disability impacts their ability to emotionally self-regulate, the process of learning these skills must be based in the principles put forth in this bill: behavioral health intervention, positive behavior supports, and team-based decision making. But even with the best of care, progress varies from student to student and occurs over time. In the meantime, the student may remain dysregulated and experience crises, sometimes multiple times over the course of a single school day. Many of these students receive general education services and attend their local school; even when identified as special education students, the law mandates that their needs be met in the least-restrictive educational setting.

School Social Workers are at the front lines in providing these services. The Maryland State Department of Education (MSDE) reports that in the 2020 – 2021 school year, there are 569 social workers employed in the State’s public schools to serve a total population of 894,344 students. This places the current ratio of professionals to students at 1:1,570, dedicated professionals who strive to meet the needs of all students. This well-intended legislation may result in fewer services for many students (and families) with significant needs, but who do not require restraint or seclusion. It may also result in public schools being unable to meet the needs of the severely-impaired students and facing the decision to place them in a more-restrictive educational setting.

In summary, NASW-MD understands and appreciates the good intentions of HB 1166. However, we have concerns about the unintended consequences of the bill as currently framed. For more information, please contact dmccllellan.naswmd@socialworkers.org

Submitted by:

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