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DEPUTY MAJORITY WHIP

Ways and Means Committee

*Chair*  
Early Childhood Subcommittee



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**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

Chair Kaiser, Vice Chair Washington, and members of the Ways and Means Committee

Thank you for your consideration of:

HB 1166 - Education – Physical Restraint and Seclusion – Requirements, Reporting, and Training

The United States Department of Education reports that:

*“Physical restraint or seclusion should not be used except in situations where the child’s behavior poses imminent danger of serious physical harm to self or others and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff. Schools should never use mechanical restraints to restrict a child’s freedom of movement.*

*As many reports have documented, the use of restraint and seclusion can, in some cases, have very serious consequences, including, most tragically, death. There is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques.*

*The foundation of any discussion about the use of restraint and seclusion is that every effort should be made to structure environments and provide supports so that restraint and seclusion are unnecessary.”*

To that end, HB 1166 would prohibit a public agency or nonpublic school from using a physical restraint or seclusion with a student as a behavioral health intervention, except under circumstances as described above. It would require that specific conditions would have to be met before restraint and seclusion are used. It would require a risk assessment to be completed for a student who has an individualized education plan and experiences a seclusion. It would require a report on the use of physical restraint or seclusion incidents. It would require the MSDE to develop an accountability system to measure compliance with regulations adopted on physical restraint and seclusion. It would require the State Superintendent of Schools to identify gaps in behavioral interventions and issue guidance on positive behavioral health implementation plans.

It is my hope that these requirements will reduce the use of restraint and seclusion in our schools and that it will be used in only the most necessary and appropriate of circumstances.

Thank you,

Eric Ebersole