



Bill: HB 1166 – Education – Physical Restraint and Seclusions – Requirements, Reporting and Training
Date: February 24, 2021
Position: Oppose
Committee: House Ways and Means Committee
Contact: Mary Pat Fannon, Executive Director

This legislation prohibits a public agency or nonpublic school from using a physical restraint on a student as a behavioral health intervention, except under certain circumstances; prohibiting a public agency or nonpublic school from using seclusion as a behavioral health intervention for a student, except under certain circumstances; requiring a certain risk assessment to be completed at certain points for a student who has an individualized education plan and experiences a seclusion; etc.

The Public School Superintendents' Association of Maryland (PSSAM), representing all twenty-four local school superintendents, **opposes HB 1166**, but we are interested in working with the sponsor to address his concerns and work towards potential solutions.

The goal of every educator, especially special educators, is to use the least restrictive form of discipline. The use of restraint and seclusion has significantly diminished over the years, with many systems responding that they do not use seclusion at all except an emergency situation. According to our special educators, they believe that many elements of the bill reflect current operations and procedures. However, a new provision is the requirement that a psychologist, social worker or physician needs to be onsite, observing a student in restraint or seclusion. Many schools, especially those with high levels of special needs students, have a social worker or a psychologist assigned, but are not always onsite; and, we do not know of any program that employ a physician.

We would be happy to work with the sponsor and some of our special education leaders to discuss current practices, that are largely aligned with this bill, and identify any gaps in current practices that prompted this legislation.

For the reasons stated above, PSSAM **OPPOSES HB 1166** and requests an **unfavorable** committee report.