



**Testimony of Denise Marshall, CEO – Council of Parent Attorneys and Advocates (COPAA)
Subcommittee on Early Childhood, Ways and Means Committee, Maryland House of Delegates
RE: House Bill 1166**

February 24, 2021

Good afternoon Chair Ebersole and members of the subcommittee:

I am Denise Marshall, Chief Executive Officer for the Council of Parent Attorneys and Advocates – or COPAA. COPAA is based in Towson, Maryland and is the nation’s premier advocacy organization for the 7.2 million children with disabilities eligible for special education services under the *Individuals with Disabilities Education Act* (IDEA). Our work also encompasses the approximately 110,000 students eligible for special education in Maryland -who represent nearly 12 percent of the state’s overall student population. We currently have over 180 active members in Maryland. COPAA’s mission is to serve as a national voice for special education rights and is grounded in the belief that every child deserves the right to a quality education that prepares them for meaningful employment, higher education, and lifelong learning, as well as full participation in their community.

I am here to advocate on behalf of the Maryland students with disabilities who are disproportionately traumatized by the use of seclusion and restraint in Maryland public schools. Make no mistake, unbelievably, after all we know about the dangers and trauma caused, there are thousands of children subjected to this form of abuse in Maryland. I want to reinforce how important passage of House Bill 1166 is to both current and future students attending Maryland schools. My grandchildren, your children or grandchildren, many children you may know or children of your constituents. If you have ever known the pain of not being able to protect your children from harm, I hope you will appreciate what COPAA does regarding the bill’s focus to:

1. Require the Maryland State Department of Education to develop an accountability system to measure compliance by local school systems and nonpublic schools with state regulations regarding the use of restraint and seclusion and to analyze data collected about the use of restraint and seclusion to determine trends and patterns;
2. Impose additional requirements to reduce seclusion in schools, and
3. Increase the ability of school staff to better meet the needs of their students by addressing gaps in teacher preparation and professional development, thereby reducing the reliance on restraint and seclusion as a tool of classroom management.

The improvements to state law- as proposed by House Bill 1166 - can help reduce and most importantly, prevent, the high numbers of restraint and seclusion – over 29,000 alone reported by Maryland schools in 2018-2019. COPAA urges legislators to pass this bill to protect students from further abuse and trauma and ensure teachers and other school professionals are trained in classroom management techniques that promote the health and safety of all.

Children should receive effective positive behavior supports developed within a comprehensive, professionally developed plan of behavioral accommodations, supports, and interventions. But too often school personnel who have not been thoroughly trained in research-validated methods for promoting positive behavior change and crisis de-escalation resort to inappropriate abusive methods. Abusive methods not only place the student at risk of serious physical and psychological harm, but also violate his or her dignity and right to be free from abusive treatment. No child with a disability should be subjected to abusive treatment

under the guise of providing educational services. Civilized nations protect the human rights of all their citizens and residents, particularly those who are unable to advocate for themselves, including children.

As you continue this work, please view COPAA as a partner and resource. As a leader in the national effort to end the use of seclusion and restraint in schools, we are actively working with allies in the U.S. Congress to introduce and pass the *Keeping All Students Safe Act* which would set minimum standards in the use of restraint and prohibit the use of seclusion in all schools that accept federal education funds among other important requirements. Although some states such as Maryland have standards and regulations regarding restraints, seclusion and aversive interventions, the existing laws are not uniform and may not be enforced. Other states provide little or no protection for children at all. Because there is no monitoring on a national level, the full extent of death, injuries, and harm from the use of these techniques is unknown.

To highlight the critical need for a federal law, we also published a report titled: [The Crisis of Trauma and Abuse In Our Nation's Schools](#) where we comprehensively document the emotional and physical havoc that seclusion and restraint continue to wreak on thousands of children and their families. I would be happy to make this report available to you and the committee. We hope to work with you to promote and include policies in state law that ensure all children will be treated with dignity and respect and that end the use of abusive, unnecessary, and discriminatory practices that harm children.

We appreciate the opportunity to speak in today's hearing and look forward to supporting this work moving forward.