



**Maryland Developmental  
Disabilities Council**

EMPOWERMENT • OPPORTUNITY • INCLUSION

**House Ways and Means Committee  
February 24, 2021**

HB 1161: Education – Physical Restraint and Seclusion – Requirements, Reporting, and Training  
**Position: Support**

State data demonstrate that restraint and seclusion are used disproportionately with students who have disabilities. Data from the most current report available from Maryland State Department of Education<sup>i</sup> shows:

- Restraint was used a total of 12,310 times. 59% of the incidents involved students with disabilities.
- Seclusion was used a total of 6,487 times. 57% of the incidents involved students with disabilities.
- 97% of seclusion incidents and 89% of restraint incidents happened to students in special education settings<sup>ii</sup>, compared to only 3% and 11%, respectively in general education.

**The data clearly show Maryland’s over 105,000 students with disabilities are at a greater risk of restraint and seclusion.** This is despite the fact that “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.”<sup>iii</sup>

According to the U.S. Department of Education’s resource document on restraint and seclusion, restraint and seclusion should never be used except in situations in which a student’s behavior poses imminent danger of serious physical harm to self or others.

**Despite regulations 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 instead of treating them as the truly rare, emergency interventions they are meant to be.** 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 illuminated by three years of the reporting requirements.

**WHAT does this bill do?**

- Requires MSDE to develop an accountability structure and to take responsibility for reducing the use of restraint and seclusion in public and nonpublic schools
- Imposes additional requirements if seclusion is used in schools
- Ensures all teachers and administrators and the staff who work with students on a daily basis receive sufficient professional development regarding evidence-based positive behavior interventions and supports and trauma-informed interventions

Addressing gaps in teacher preparation and professional development and increasing the ability of school staff to better meet the needs of their students will ultimately help reduce the reliance on restraint and seclusion as a tool of classroom management. The discussion about the use of restraint and seclusion should begin with efforts to make learning environments safe and ensure students have the supports and services needed so that restraint and seclusion are unnecessary, therefore, this professional development is critical. For all these reasons, the Maryland DD Council supports HB 1166.

Contact: Rachel London, Executive Director: [RLondon@md-council.org](mailto:RLondon@md-council.org)

<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> Special education settings include separate classes, public/private separate day schools, and residential settings.

<sup>iii</sup> U.S. Department of Education, *Restraint and Seclusion: Resource Document* <[www.ed.gov/policy/restraintseclusion](http://www.ed.gov/policy/restraintseclusion)>, May 2012.