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**BILL:** SB705/HB1255  
**FROM:** Maryland Office of the Public Defender  
**POSITION:** FAVORABLE  
**DATE:** March 1, 2022

The Maryland Office of the Public Defender urges this committee to issue a favorable report on SB705/HB1255, Education—Physical Restraint and Seclusion—Limitations, Reporting, and Training.

Data from the Maryland State Department of Education (MSDE) from the past four school years demonstrates that the incidence of restraint and seclusion remains extremely high in many jurisdictions. For example:

- Frederick County's use of seclusion nearly double from 2018-19 to 2019-2020 school years, and its school system recently entered into an agreement with the United States Department of Justice to immediately stop the use of seclusion and other corrective action;
- In the 2018-19 school year, Montgomery County disproportionately used restraint (72%) and seclusion (77%) on students of color;
- Despite schools closing in March 2020 due to the COVID-19 pandemic, the number of restraint incidents **increased** in Baltimore City, Garrett County, Harford County, and Worcester County, and the number of seclusion incidents **increased** in Allegany County, Baltimore County, Dorchester County, Montgomery County, Washington County, and Worcester County;
- The vast majority of students restrained and secluded across the state are students with disability and majority are in elementary school.

This bill would 1) prohibit the use of seclusion in public schools and further regulate its use in nonpublic special education schools; 2) require collection of additional data about the use of restraint and seclusion with students in public and nonpublic schools, 3) require analysis of that data; 3) require the Maryland State Department of Education to develop an accountability system to ensure that the strong regulations and guidance in place in Maryland are implemented fully, and 4) would increase the ability of school staff to better meet the needs of their students by addressing gaps in professional development, thereby reducing the reliance on restraint and seclusion as a tool of classroom management. Restraint and seclusion can be aversive, trauma-inducing and dangerous, often resulting in injury to students and sometimes to school staff as well. On occasion, including in Maryland, these interventions can be fatal. Additional data and analysis will allow MSDE to identify school districts and nonpublic schools that may be violating regulations and ensure compliance with regulations, an accountability mechanism that is absent from the current regime. This bill also will help prepare teachers to meet the academic and behavioral needs of their students by providing additional training and supports. For these reasons, MOPD supports SB705/HB1255.