



Date: March 10, 2022
Bill: House Bill 1255
Committee: Ways and Means
Subject: Education – Physical Restraint and Seclusion – Limitations, Reporting, and Training
Position: Support only if amended
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The Maryland Association of Nonpublic Special Education Facilities (MANSEF) supports House Bill 1255 only if amended to include licensed behavior analysts in section D on page 5 of the printed bill.

The proposed language limits which health care practitioners have the expertise to use seclusion by omitting licensed behavioral analysts (LBAs).

LBAs are a licensed and recognized profession by the Maryland Department of Health. “The licensed behavior analyst is ultimately responsible for the design and implementation of behavior analytic services that are in the best interest of the student. Behavior analysis involves the design, implementation, and evaluation of systematic instructional and environmental modifications to produce socially significant improvement.” (COMAR 10.58.16.11). The very essence of their job function is to assess behavior. Excluding this profession is a disservice to the very core of their mission, function, and purpose.

The utilization of LBAs and BCBAs in our member schools provides for the development of Behavioral Intervention Plans (BIP), creates positive behavior support and the development of overall management plans aimed at reducing problem behaviors for all students, increasing desired, appropriate behaviors, and places a focus on non-aversive behavioral techniques. Additional responsibilities include the development and implementation of crisis management procedures and the provision of behavioral support in the classroom by providing guidance to the Therapeutic Behavioral Aides (TBAs). **LBAs serve a unique and specialized function.**

Legislation was passed in 2014 requiring the Board of Professional Counselors and Therapists to regulate the practice of behavior analysis. Beginning January 2015, individuals practicing behavior analysis must be licensed by the Maryland Department of Health. Their training is

extensive and may in some cases be more rigorous than other professions listed in the bill regarding behavior for students with special needs.

It is important to note that in May of 2021, MSDE created the Maryland Regional Crisis Response and Clinical Support Teams with the primary purpose to work closely with local Superintendents to provide clinical support, meet crisis needs of student and provide professional development. Teams are to consist of a clinical psychologist, licensed clinical professional counselors, licensed clinical social workers and **Board-Certified Behavior Specialists**. As MSDE already recognizes the profession of behavior specialists on these support teams it is counterproductive to exclude them under this bill. We recommend that this bill mirror existing professional support team members for the purpose of consistency.

MANSEF represents 70 nonpublic special education schools approved by MSDE under COMAR 13A.09.10. We serve students with a wide range of disabilities such as autism, developmental delays, and highly intensive emotional issues. Our member schools are required to follow COMAR 13A.08.04. – Student Behavior Interventions which most of this bill already addresses.

The MANSEF schools fulfill a valuable role in the full continuum of placement options for students who require a unique and specialized educational setting. We strive to ensure that appropriate, continual training is utilized and required for staff educating students with special needs so that both staff and students are safe and free from physical or emotional injury. The MANSEF schools continue to utilize best practices with evidence-based methodologies in serving the most challenged students and fully supports any efforts to reduce the use of restraint and seclusion. Additionally, we fully agree that improvements to data collection are warranted and necessary for a complete understanding as interpretations vary among the stakeholders involved. MSDE should have the proper resources to access an independent third party for a more complete analysis to provide constructive recommendations.

We respectfully request that you consider amending this specific section as you deliberate HB 1255.