



TO: The Honorable Vanessa E. Atterbeary, Chair
Members, House Ways and Means Committee
The Honorable Eric Ebersole

FROM: Pamela Metz Kasemeyer

DATE: March 10, 2022

RE: **SUPPORT ONLY IF AMENDED** – House Bill 1255 – *Education – Physical Restraint and Seclusion – Limitations, Reporting, and Training*

For more than 60 years, Linwood Center has been providing life-changing programs and services for children and adults living with autism and related developmental disabilities. Linwood currently supports children and adults on the autism spectrum from jurisdictions throughout the State of Maryland. Linwood is among the relatively few programs in the United States and in the State of Maryland that provides comprehensive education and residential programs throughout the lifespan under one service umbrella. Linwood offers program continuity from childhood into adulthood, developing lifelong relationships with individuals living with autism from elementary school through retirement and old age. Linwood's accredited nonpublic special education program and licensed residential programs provide intensive positive behavioral supports and long-term educational and vocational services to Maryland's autism community. Linwood respectfully offers its **support** for the provisions of House Bill 1255, **only if the legislation is amended**.

House Bill 1255 proposes to address the use of restraint and seclusion in the educational setting. It prohibits the use of both restraint and seclusion in public schools. For nonpublic special education schools, it provides a framework for the limited use of restraint and seclusion as a behavioral intervention for a student under certain circumstances, including a limited list of health care professionals who are authorized to use seclusion as a behavioral intervention. The legislation also requires the State Department of Education to develop an accountability system to measure compliance with provisions adopted on the use of physical restraint and seclusion.

While Linwood has no objection to establishing a statutory framework for the limited use of restraint and seclusion, it does strongly object to the failure to include licensed behavioral analysts (LBAs) in the list of health professionals authorized to use seclusion as a behavioral intervention. LBAs have the education, training, and expertise that aligns their skills and practice with those necessary to comply with the requirements of this legislation.

LBAs are licensed health care professionals regulated by the Board of Licensed Professional Counselors and Therapists. 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. COMAR 10.58.16.11 explicitly states "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.” By excluding LBAs from the list of recognized health care professionals authorized to use seclusion as a behavioral intervention, the legislation not only does a disservice to the profession but dramatically undermines the ability of Linwood and other nonpublic schools and agencies to appropriately and safely address the behavior challenges faced by the students we serve.

Linwood is committed to utilizing the best practices with evidence-based methodologies in serving the needs of the children living with autism and related developmental disabilities. To that end, Linwood supports the efforts to reduce the use of restraint and seclusion that are reflected in this legislation. Linwood also supports the proposed requirements for enhanced data collection that will provide a more comprehensive and balanced understanding of the use of these interventions.

However, despite Linwood’s support for the objectives of the bill and the majority of its provisions, absent an amendment to include LBAs in the list of recognized health care professionals, Linwood must respectfully request an unfavorable report. Absent authorization of LBAs, Linwood will be unable to appropriately ensure the safety and well-being of the students we serve, and it will undermine our ability to aide in the development of positive behavioral improvements. With the adoption of its requested amendment, Linwood would request a favorable report.

For more information call:

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