

Ways and Means Committee

Bill #: HB0226

Bill Title: Public Schools – Self-Contained Special Education Classroom – Use of Video Recording Devices

February 3, 2022

**\*\*FAVORABLE\*\***

Dear Madame Chair and members of the Ways and Means Committee,

As an individual born with a speech disability, Chair of the national disability civil rights nonprofit Communication First, and juvenile justice advocate who has fought to combat the high rates of abuse of students of color and students with disabilities (and especially students of color with a disability), I am writing to request your support for HB0226: Public Schools - Self-Contained Special Education Classrooms - Use of Video Recording Devices, which would require each county board of education, to install at least one video recording device in each self-contained special education classroom, require video recording devices to record self-contained special education classrooms and exclusion areas during school hours and during any time that the classroom or exclusion area is in use, and prohibit the use of a video recording device in bathrooms or in areas that students use to change clothing. **The installation of video recording devices in all special education classrooms is a critical step towards ensuring our most vulnerable students are protected from emotional, verbal, and physical abuse.**

Why are our students with disabilities so vulnerable to the risk of abuse? Just look at the statistics. According to a [2021 report](#) by the U.S. Department of Justice Office of Victims of Crimes, **individuals with disabilities were at least four times as likely as people without a disability to be victims of “violent victimization”**. This is a drastic increase from only two years ago, when the statistics in the 2019 report showed people with disability were at least twice as likely to be victims of violent victimization. Specially, 46.2 out of every 1000 individuals with a disability age 12 or older reported being a victim of a violent victimization, compared to 12.3 out of every 1000 individuals age 12 or older without a disability. Moreover, between 2017 and 2019, **83.3 out of every 1000 individuals with a cognitive disability age 12 or older reported being a victim of violent victimization**. Other statistics show that children with disabilities are 3.7 times more likely to experience violence than children without a disability (and 2.9 times more likely to experience sexual abuse). And 60% of students with disabilities are bullied compared to 25% of students without disabilities.

*A physical therapist (PT) was observed verbally and physically abusing a student who was nonverbal. Three adults reported seeing the PT pinch the student to “motivate” her to walk down the hall with a walker. The PT also called the student “stupid”, “disgusting”, and “lazy.” The PT told the girl her mother would not love her anymore if she didn’t walk like a “big person.” The student’s aide informed her parents, who in turn called the police. They refused to get involved. The child’s service coordinator was also called and wrote a letter to the school district, which was ignored. Even after multiple meetings with the school principal, the PT continued to work with the child and the aide was required to attend all sessions. The family was able to get a new PT the following year, but the abusive PT continued to work with other children.*

That is a troubling story but represents what so many children with disabilities endure – with many experiencing much crueler incidents of abuse. A [2009 GAO Report “Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers”](#), investigators found hundreds of cases of alleged abuse and death related to the use of restraint and seclusion on school children during the past two decades – and almost all of the allegations involved children with disabilities. A common theme with cases that involved death was that most of the students were nonverbal. Additionally, at least half of the educators involved in the cases under review by the GAO remained employed after the death and/or abuse occurred. The statistics have not changed.

The U.S. Department of Education (DOE) reported nearly 70,000 students covered under the Individuals with Disabilities Education Act were restrained or secluded, accounting for over 200,000 incidents. The DOE also reported in October 2020 that 80% of all students subject to physical restraints had disabilities, while 77% of students subject to seclusion had disabilities. In another study, NPR and Propublica found that although students with disabilities represent only 12% of the public-school population, they comprise two-thirds of the children who are physically restrained or secluded from their classmates annually. Since the 2009 GAO report, many states, including Maryland, have passed laws to better protect students from restraint and seclusion, yet much more is needed to truly protect our kids from such practices, along with other forms of abuse by educators, peers, or volunteers.

Of equal concern is the fact that too many reports of abuse stop at the schoolhouse. Unless one is well-trained in understanding that **communication goes beyond just verbal speech**, many in law enforcement or the justice system will not investigate or bring charges against those suspected of abusing/harming a non-verbal child because they think the court will find the child's testimony or statements to be uncreditable. Will having such incidents on video tape automatically hold people accountable? Of course not. Yet as has been seen in this increasing age of posting such vicious acts on social media, it will be a significant step in the right direction to ensure our kids are listened to. We want cameras on buses to show evidence of fights or abuse. We want cameras in hallways or lunchrooms or entrances to monitor school safety. We want cameras on police officers to provide visual evidence of their actions. If we are supportive of ensuring there is video evidence of what occurred in those situations, why wouldn't we want video recordings to support the population least likely to verbally report abuse and harm? The GAO has released multiple reports in the last decade highlighting the vast underreporting (or no reporting) by school systems across the country regarding students with disabilities facing restraint, seclusion, and other abuse – and why wouldn't it be easy to not report such incidents when most children are unable to report such abuse or there is no supporting evidence to give their stories further credibility. Video recording will be a game changer in not only increasing accountability for the horrific abuse many of our kids with disabilities face, but will help decrease such abuse from occurring.



We have grown up with the belief, the loyalty, that a founding principle of the United States is freedom of speech. Those without communication and/or cognitive disabilities have ample ability to exercise their freedom of speech. Cameras within classrooms might be the only way individual students can fully communicate what happened within a school setting: do not deny the freedom of speech to those most in need of access to such communication.

For the reasons stated above, I strongly urge this committee to vote FAVORABLY on Bill #: HB0226, Bill Title: Public Schools - Self-Contained Special Education Classrooms - Use of Video Recording Devices.

Respectfully Submitted,

India Ochs  
Annapolis, Maryland