

Accountability and corrective action is important in making progress on this issue. As a first step, the MSDE supports the bill's provisions to add to the current collection of the data in ways that will enable further disaggregation, require local school systems to review student cases in public and nonpublic schools if a student is physically restrained more than 10 times in a school year, and increase MSDE involvement in the provision of training and professional development regarding positive behavioral interventions. However, MSDE believes that there needs to be stronger accountability measures for (i) schools that violate the provisions of the bill, and the school systems in which they operate and (ii) schools in which students are restrained 10 or more times and the school systems in which they operate, including a requirement for a systemic, evidence-based corrective action plan.

It is within that framework that MSDE requests the following amendments that will:

1. With regard to restraint:
 - a. Define physical restraint as a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, torso, or head freely.
 - b. Add a section listing explicitly the types of restraints that cannot be used under any circumstances, drawing on existing COMAR regulation and the federal proposal referenced above; and
 - c. Strike all provisions in the bill that describe conditions where restraint is permissible, except for the provision regarding its necessity to protect the student or others from serious and imminent harm.

2. With regard to seclusion:
 - a. Ensure that nonpublic schools are included in all references where seclusion is prohibited, beginning with the references on page 3, line 13.
 - b. Strike all provisions in the bill that describe conditions where seclusion is permissible; and
 - c. Add to the definition of seclusion, "except that such term does not include a time out" and add the definition of "time out" found on page 9-10 the federal proposal.⁵

3. With regard to accountability and data collection:
 - a. Add a requirement for a systemic, evidence-based corrective action plan to be submitted to MSDE for schools that (i) violate the provisions of the bill and the school systems in which they operate and (ii) schools in which students are restrained 10 or more times and the school systems in which they operate.

This bill takes an important initial step to move towards eliminating the use of restraint and seclusion techniques in Maryland's schools. However, MSDE believes that the research indicates a more complete effort is appropriate and necessary at this time.

We respectfully request that you consider this information as you deliberate **Senate Bill 705**. Please contact Ary Amerikaner, at 410-767-0090, or ary.amerikaner@maryland.gov, for any additional information.

⁵ <https://www.murphy.senate.gov/imo/media/doc/kassa.pdf>