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Phone: 410.727.6352

May 16, 2019

Calvert County Board of Education  
1305 Dares Beach Road  
Prince Frederick, Maryland 20678

Re: Restraint/Seclusion policies and practices

Dear Superintendent Curry, President Balinski, Vice President Phalen, Members of the Board, and Members of the Restraint and Seclusion Committee:

Disability Rights Maryland (DRM) is Maryland's protection and advocacy agency, mandated to advance and defend the rights of people with disabilities throughout the state. Over the years, DRM has dedicated considerable effort to representation of students with disabilities in individual and systemic special education matters and to working on education policy issues that affect students with disabilities statewide. One of those issues is the use of restraint and seclusion with students in school.

DRM wrote the first restraint/seclusion bill submitted to the Maryland legislature to govern the use of restraint and seclusion in schools; it was enacted by the General Assembly in 2003 and was one of the first laws of its kind in the country. DRM participated in the workgroup that drafted Maryland's first regulations, finalized in December, 2003, and was at the forefront of later revisions to the regulations. DRM authored the 2017 restraint/seclusion bill that was submitted to the legislature; that bill also passed and DRM participated in the task force that made a number of recommendations to the Maryland State Department of Education to ensure that Maryland's practices would reflect the knowledge that has been gained since 2003 about the dangers of restraint and seclusion, about the benefits of trauma-informed interventions, and about the effectiveness of positive behavior supports, in addition to incorporating the recommendations of the United States Department of Education's *Restraint and Seclusion: A Resource Document*, which had been issued in 2012.

DRM has represented numerous individual students who have been injured while being restrained or placed in seclusion and have investigated deaths that have occurred during restraint. We have represented children with a history of abandonment or of abuse who have been placed in seclusion or been restrained, only to be re-traumatized each time they have been secluded in a room from which they cannot leave voluntarily or when school staff have laid hands on them to restrain them in place or to transport them to a seclusion room. Restraint and seclusion are not safe for school staff either, and we know that staff are traumatized by the process as well. We also know from the data collected from the United States Office for Civil Rights and from the Maryland State Department of Education that restraint and seclusion are used disproportionately with students with disabilities. Many of the DRM clients who have been restrained or placed in seclusion are elementary age, nonverbal students with complex developmental disabilities whose behavior is their form of communication. Restraint and seclusion are not the answer; additional training and support for school staff would help significantly.

DRM is pleased that Calvert County has appointed a workgroup to address restraint and seclusion policies. We hope that you will recognize, as other states and several other Maryland school systems

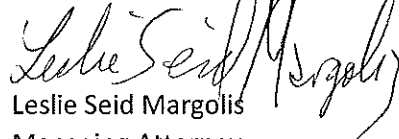
have, that it is possible to create safe and nurturing schools without relying on seclusion and with restraint limited only to true emergency situations when students pose a risk of imminent, serious physical harm to themselves or others, and that you adopt policies that make this clear. Additionally, we hope that you will revise your policies to promote trauma-informed interventions and evidence-based positive behavior supports.

Restraint and seclusion are not educational practices. They are what staff do to students, often very young, very vulnerable students and most often students with disabilities, when educational practices fail and there is a crisis. Good educational practice reduces the likelihood of a crisis, and we ask Calvert County to look at the underlying reasons why staff rely on restraint and seclusion, address these reasons by taking the steps discussed above—that is, by providing sufficient training and support to staff, by promoting trauma-informed care and positive behavior supports, and by prohibiting seclusion and limiting restraint to true instances of imminent, serious physical harm.

Disability Rights Maryland is happy to serve as a resource to you as you engage in this important work. Please feel free to contact me.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leslie Seid Margolis".

Leslie Seid Margolis  
Managing Attorney