

May 17, 2019

Calvert County Board of Education
1305 Dares Beach Rd, Prince
Frederick, MD 20678

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

The Council of Parent Attorneys and Advocates (COPAA) is an independent, nonprofit organization of parents, attorneys, advocates, and related professionals. COPAA members nationwide work to protect the civil rights and secure excellence in education on behalf of children with disabilities in America. COPAA's mission is to serve as a national voice for special education rights and is grounded in the belief that every child deserves the right to a quality education that prepares him or her for meaningful employment, higher education and lifelong learning, as well as full participation in his or her community. Today, we are writing on behalf of the nearly 1,500 Calvert County students with disabilities and their families.

The students we represent nationally are disproportionately traumatized and some have lost their lives in school in response to challenging behaviors that are a manifestation of their disabilities. Teachers and staff, and others in the vicinity are traumatized and hurt as well. Right now, hundreds of students are locked alone in a room, or space from which they cannot exit; afraid, often unsure how they got there or how they will get out. This abuse must stop.

COPAA thanks you for the collaborative approach you are taking to discuss policies and procedures focused on the imposition of seclusion and restraint on children. Children and their teachers will benefit from a robust discussion that leads to meaningful changes that are focused on prevention and reduction. Schools should be positive environments that foster learning, respect and self-worth. Restraint and seclusion have no efficacy and are dangerous; causing trauma, injury and death. National data indicates that students with disabilities are roughly 20 times more likely than their peers without disabilities to be restrained and/or secluded. No child should intentionally be subjected to traumatizing and dangerous behavior in school.

In 2008, COPAA was among the first to call for the end to these harmful practices with the release of **COPAA Declaration of Principles Opposing the Use of Restraint, Seclusion and Aversive Interventions**. Since then, we have worked in the U.S. Congress and with partners in states to protect the dignity, rights and protections of students with disabilities by promoting and supporting legislation that would set minimum standards to ensure the safety of all students and school personnel.

COPAA advocates for federal and state legislation that will *prohibit* schools from: secluding any student alone in a space from which they cannot exit; physically restraining students , except when

necessary to protect students and others from imminent danger of serious physical injury; and prohibiting use of mechanical, chemical or other restraints that restrict breathing. We also support provisions that include *resources* to help schools by: establishing and implementing new minimum safety standards and policies; training school personnel, including school resource officers employed by the school or district; promoting a paradigm shift, through training, toward preventing challenging behavior through use of trauma informed practices, de-escalation techniques, conflict management, and evidence-based positive behavioral interventions and supports. Our goal is that personnel are equipped to use evidence-based proactive strategies and techniques to address challenging student behaviors. We also want improved data collection on the use of restraint to help improve school climate and culture while protecting student privacy.

We hope you will take to heart and develop policies in Calvert County that will incorporate the above as well as:

- Bring Calvert County policy and procedures into alignment with the Code of Maryland Regulations to include the criteria (and definition for) imminent, serious, physical harm.
- Prohibit the use of seclusion as other counties in Maryland have already done. Explore trauma-informed alternatives that are safer for students and staff.
- Explore evidence-based proactive methodologies to address challenging behaviors to prevent escalating behaviors which are too commonly addressed reactively.

Every child is entitled to be treated with dignity and respect. No child with a disability should be subjected to abusive treatment under the guise of providing educational services. Civilized nations protect the human rights of all their citizens and residents, particularly those who are unable to advocate for themselves, including children. We urge you to act quickly.

Sincerely,



Denise Marshall
Executive Director

cc:

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