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Maryland State Department of Education Takes Active Measures to Prevent Illegal and Discriminatory Use of Restraint and Seclusion in Schools

MSDE Superintendent Directs Top-to-Bottom Review of State Regulations, Policies, and Procedures on Restraint and Seclusion; Moves to Eliminate Practice

BALTIMORE, MD (December 30, 2021) – Fully committed to ensuring all students have a safe environment to learn and thrive, the Maryland State Department of Education (MSDE) is conducting a top-to-bottom review of existing regulations, policies, and procedures to prevent the illegal and excessive use of restraint and seclusion. On December 1, 2021, the U.S. Department of Justice and the U.S. Attorney’s Office announced a settlement agreement with Frederick County Public Schools (FCPS) to address the discriminatory use of restraint and seclusion practices against students with disabilities under Title II of the Americans with Disabilities Act (ADA). The recent findings have made it clear that MSDE and local school systems have much more work to do in order to ensure that all students – including students with disabilities and students of color – are treated fairly and equitably throughout the State, and that students are provided with an array of positive behavior interventions, strategies, and supports.

“The findings from the U.S. Department of Justice are appalling and unacceptable. MSDE will not tolerate any discriminatory or illegal action against any student. MSDE is reviewing its regulations, policies, and monitoring processes to ensure that no local school system illegally restrains or secludes any student,” said State Superintendent of Schools Mohammed Choudhury. “In all cases, restraint and seclusion should be a last resort, employed only in emergency circumstances. Given the potentially devastating physical and emotional impact of restraint and seclusion on students and staff, as well the disproportionate use on students with disabilities and students of color, MSDE will work with our local school systems to eliminate the illegal use of these practices and increase system capacity to provide effective, positive means of behavior management.”

“The recent investigation and settlement agreement in FCPS should serve as a compelling reminder to local superintendents and boards of education across the State that the illegal use of restraint and seclusion will not be tolerated and that parent and educator concerns should be taken seriously, fully investigated and redressed,” continued Superintendent Choudhury. “I will employ every available authority to strengthen Maryland public education and ensure all students, especially students with

disabilities and students of color, have equal access to high quality education in a safe learning environment. MSDE will protect the rights of all of our students and create meaningful and sustained change.”

Using its full authority, MSDE is developing an action plan to provide increased oversight and corrective measures to ensure system reform in FCPS and across the State to safeguard students from harmful and ineffective practices. MSDE will actively monitor and intervene if necessary to confirm that all students, especially students with disabilities and students of color, are not subjected to inappropriate or illegal use of restraint and seclusion. MSDE will also work with the State’s Office of the Inspector General for Education (OIGE), which has designated authority to investigate claims of civil rights violations. MSDE and the OIGE are committed to ensuring that complaints involving allegations of civil rights violations are addressed swiftly.

MSDE urges students and families concerned about the use of restraint and seclusion to reach out to their local boards of education and MSDE for support. Parents of students with disabilities who believe that their student has been illegally restrained or secluded may file a formal State Special Education Complaint with the MSDE's Division of Early Intervention and Special Education Services (DEI/SES). The MSDE Family Support Section of the DEI/SES also provides assistance to parents and families of students with disabilities by responding to special education related questions, and connecting parents with appropriate school system resources and personnel. For more information, including Family Support contacts, please visit our [website](#).

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