## **HOUSE BILL 1043**

F5, F1 0lr2297

By: Delegates Wilkins, Cain, and Guyton

Introduced and read first time: February 6, 2020

Assigned to: Ways and Means

## A BILL ENTITLED

1 AN ACT concerning

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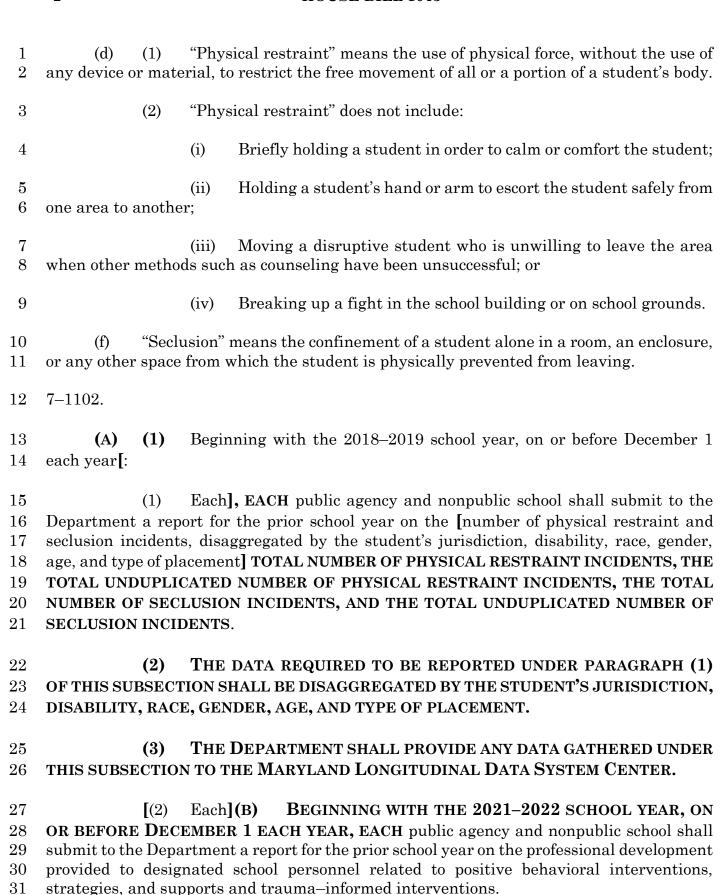
## Education - Physical Restraint and Seclusion - Guidelines and Reporting

- 3 FOR the purpose of clarifying a requirement for the State Department of Education to collect certain data on restraint and seclusion incidents; requiring the Department 4 5 to provide certain data to a certain entity; requiring the Department to analyze the 6 data collected, verify certain data in certain circumstances, and make certain 7 recommendations; requiring the Department to collect certain data on compliance 8 with certain regulations; requiring the Department to cooperate with institutions of 9 higher education to develop certain guidelines and programs; making stylistic changes; and generally relating to the use of physical restraint and seclusion. 10
- 11 BY repealing and reenacting, without amendments,
- 12 Article Education
- 13 Section 7–1101(a), (d), and (f)
- 14 Annotated Code of Maryland
- 15 (2018 Replacement Volume and 2019 Supplement)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Education
- 18 Section 7–1102
- 19 Annotated Code of Maryland
- 20 (2018 Replacement Volume and 2019 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That the Laws of Maryland read as follows:
- 23 Article Education
- 24 7–1101.

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(a) In this subtitle the following terms have the meanings indicated.





1	[(3)](C) Each public agency and nonpublic school shall:
2	[(i)] (1) Personally observe and review seclusion rooms;
3	[(ii)] (2) Review training plans for the use of seclusion; and
4 5	[(iii)] (3) Report to the Department regarding findings made under items [(i) and (ii) of this paragraph] (1) AND (2) OF THIS SUBSECTION.
6	[(4)](D) The Department shall:
7 8 9	[(i)] (1) Provide guidance to public agencies and nonpublic schools regarding the requirements of the use of RESTRAINT, seclusion, and rooms for seclusion; [and]
10	(2) Analyze the data collected on restraint incidents and seclusion incidents;
12 13 14	(3) REQUIRE VERIFICATION FROM ANY PUBLIC AGENCY OR NONPUBLIC SCHOOL THAT REPORTS NO RESTRAINT INCIDENTS OR NO SECLUSION INCIDENTS;
15 16 17	(4) Make specific recommendations on how to reduce the use of restraint by the top 30% of public agencies and nonpublic schools that have the highest number and rates of restraint incidents;
18 19 20	(5) Make specific recommendations on how to reduce the use of seclusion by the top 30% of public agencies and nonpublic schools that have the highest number and rates of seclusion incidents;
21 22 23	(6) COLLECT DATA ON THE COMPLIANCE OF PUBLIC AGENCIES AND NONPUBLIC SCHOOLS WITH ANY REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE; AND
24 25 26	[(ii)] (7) Report to the General Assembly, in accordance with § 2–1257 of the State Government Article, regarding ANY ANALYSES, findings, and recommendations reported to OR COMPILED BY the Department under this section.
27 28	(E) THE DEPARTMENT SHALL COOPERATE WITH INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO:
29	(1) IDENTIFY ANY GAPS IN TEACHER AND SERVICE PROVIDER

PREPARATION REGARDING POSITIVE BEHAVIOR STRATEGIES, SUPPORT AND

INTERVENTION, AND TRAUMA-INFORMED CARE AND INTERVENTIONS;

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- 1 (2) ISSUE GUIDELINES DETAILING BEST PRACTICES FOR 2 CONDUCTING BEHAVIORAL ASSESSMENTS AND DEVELOPING BEHAVIOR
- 3 INTERVENTION PLANS; AND
- 4 (3) DEVELOP A MANDATORY PROFESSIONAL DEVELOPMENT
- 5 PROGRAM WHICH ENSURES THAT ALL TEACHERS AND SERVICE PROVIDERS AT
- 6 PUBLIC AGENCIES AND NONPUBLIC SCHOOLS ARE COMPETENT TO IMPLEMENT
- 7 POSITIVE BEHAVIOR STRATEGIES, SUPPORT AND INTERVENTION, AND
- 8 TRAUMA-INFORMED CARE.
- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 10 1, 2020.