
By: Delegates Campbell and Benson, Benson, Hixson, Healey, Bartlett, Bohanan, Bozman, Carlson, Conroy, Cryor, C. Davis, Finifter, Heller, Howard, Marriott, McKee, Patterson, Phillips, Ports, Rosso, Rudolph, Rzepkowski, and Shriver

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Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2002

CHAPTER _____

1 AN ACT concerning

2 **Education - Schools and Other Educational Programs - Task Force to**
3 **Propose Regulations Regarding Student Behavior Intervention**

4 FOR the purpose of ~~establishing certain standards and procedures relating to~~
5 ~~behavior intervention for certain students; defining certain terms; regulating~~
6 ~~certain behavior intervention practices with respect to certain students;~~
7 ~~prohibiting certain behavior intervention and disciplinary practices in certain~~
8 ~~schools and educational programs; requiring the Maryland State Department of~~
9 ~~Education to adopt create a task force to propose certain regulations regarding~~
10 ~~the implementation of standards for student behavior intervention practices;~~
11 ~~requiring the Department to submit certain proposed regulations to the State~~
12 ~~Board of Education on or before a certain date; requiring that the regulations be~~
13 ~~developed by the task force; requiring the task force to reconvene to review and~~
14 ~~consider a revision of certain regulations; requiring local school systems and~~
15 ~~certain other institutions that receive certain State funding to comply with~~
16 ~~certain requirements and practices related to student behavior intervention~~
17 ~~requiring certain schools and programs to develop certain policies and~~
18 ~~procedures in compliance with standards for student behavior intervention~~
19 ~~practices; requiring the State Superintendent of Schools to consult with certain~~
20 ~~persons regarding certain training requirements for teachers; defining certain~~
21 ~~terms; and generally relating to behavior intervention practices for students in~~
22 ~~certain schools and other educational programs.~~

23 BY adding to
24 Article - Education

1 Section 7-1101 through ~~7-1110~~ 7-1104, inclusive, to be under the new subtitle
2 "Subtitle 11. Student Behavior Intervention"
3 Annotated Code of Maryland
4 (2001 Replacement Volume)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Education**

8 **SUBTITLE 11. STUDENT BEHAVIOR INTERVENTION.**

9 7-1101.

10 (A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS
11 INDICATED.

12 (B) "BEHAVIOR INTERVENTION PLAN" MEANS A PROACTIVE PLAN DESIGNED
13 TO ADDRESS PROBLEM BEHAVIOR EXHIBITED BY A STUDENT IN THE EDUCATIONAL
14 SETTING THROUGH THE USE OF POSITIVE BEHAVIORAL INTERVENTIONS,
15 STRATEGIES, AND SUPPORTS.

16 (C) "EXCLUSIONARY TIME OUT" MEANS THE CIRCUMSTANCE IN WHICH A
17 STUDENT IS REMOVED TO A DESIGNATED TIME-OUT ROOM OR OTHER AREA FOR A
18 FIXED PERIOD NOT TO EXCEED 30 MINUTES.

19 (D) "FUNCTIONAL BEHAVIOR ASSESSMENT" MEANS THE SYSTEMATIC
20 PROCESS OF:

21 (1) DESCRIBING PROBLEMATIC BEHAVIOR EXHIBITED IN THE
22 EDUCATIONAL SETTING, INCLUDING IDENTIFICATION OF ENVIRONMENTAL AND
23 OTHER FACTORS AND SETTINGS THAT CONTRIBUTE TO OR PREDICT:

24 (I) THE OCCURRENCE OR NONOCCURRENCE OF THE BEHAVIOR;
25 AND

26 (II) THE MAINTENANCE OF THE ~~BEHAVIORS~~ BEHAVIOR OVER TIME;
27 AND

28 (2) USING THE INFORMATION GATHERED TO GUIDE THE DEVELOPMENT
29 OF AN EFFECTIVE AND EFFICIENT BEHAVIOR INTERVENTION PLAN.

30 ~~(E) "INVOLUNTARY TIME OUT" MEANS THAT, CONTINGENT ON MISBEHAVIOR
31 AND FOR A FIXED PERIOD OF TIME, A STUDENT IS SEPARATED FROM THE STUDENT'S
32 PEERS.~~

33 ~~(F)~~ (E) (1) "MECHANICAL RESTRAINT" MEANS THE USE OF ANY DEVICE OR
34 MATERIAL ATTACHED OR ADJACENT TO THE STUDENT'S BODY THAT RESTRICTS
35 FREEDOM OF MOVEMENT OR NORMAL ACCESS TO ANY PORTION OF THE STUDENT'S
36 BODY AND THAT THE STUDENT CANNOT EASILY REMOVE.

1 (2) "MECHANICAL RESTRAINT" DOES NOT INCLUDE A PROTECTIVE OR
2 STABILIZING DEVICE ORDERED BY A PHYSICIAN WHEN IT IS USED AS PRESCRIBED.

3 ~~(G) (1) "NONEXCLUSIONARY TIME OUT" MEANS THE CIRCUMSTANCE IN~~
4 ~~WHICH A STUDENT IS NOT REMOVED FROM THE CLASSROOM SETTING, BUT RATHER~~
5 ~~IS DENIED ACCESS TO CLASSROOM PARTICIPATION.~~

6 ~~(2) "NONEXCLUSIONARY TIME OUT" INCLUDES THE CIRCUMSTANCE IN~~
7 ~~WHICH A STUDENT IS MOVED TO THE EDGE OF AN ACTIVITY WHEREBY THE~~
8 ~~STUDENT DOES NOT PARTICIPATE IN THE ACTIVITY BUT MAY STILL OBSERVE OTHER~~
9 ~~STUDENTS' BEHAVIOR AND PARTICIPATION IN THE ACTIVITY.~~

10 (F) "NONPUBLIC SCHOOL" MEANS A SCHOOL THAT RECEIVES FUNDS FROM
11 THE DEPARTMENT FOR THE PURPOSE OF PROVIDING SPECIAL EDUCATION AND
12 RELATED SERVICES TO STUDENTS WITH DISABILITIES.

13 ~~(H)~~ (G) (1) "PHYSICAL RESTRAINT" MEANS THE USE OF PHYSICAL FORCE,
14 WITHOUT THE USE OF ANY DEVICE OR MATERIAL, TO RESTRICT THE FREE
15 MOVEMENT OF ALL OR A PORTION OF A STUDENT'S BODY.

16 (2) "PHYSICAL RESTRAINT" DOES NOT INCLUDE:

17 (I) BRIEFLY HOLDING A STUDENT IN ORDER TO CALM OR
18 COMFORT THE STUDENT;

19 (II) HOLDING A STUDENT'S HAND OR ARM TO ESCORT THE
20 STUDENT SAFELY FROM ONE AREA TO ANOTHER; ~~OR~~

21 (III) MOVING A DISRUPTIVE STUDENT WHO IS UNWILLING TO
22 LEAVE THE AREA WHEN OTHER METHODS SUCH AS COUNSELING HAVE BEEN
23 UNSUCCESSFUL; OR

24 (IV) BREAKING UP A FIGHT IN THE SCHOOL BUILDING OR ON
25 SCHOOL GROUNDS.

26 ~~(H)~~ (H) "SECLUSION" MEANS THE CONFINEMENT OF A STUDENT IN A
27 LOCKED ROOM, CLOSET, BOX, OR OTHER SPACE FROM WHICH THE STUDENT IS
28 PHYSICALLY PREVENTED FROM LEAVING.

29 ~~(J) "TIME-OUT ROOM OR OTHER AREA" MEANS A SPACE THAT ENCOMPASSES~~
30 ~~AT LEAST 40 SQUARE FEET OF FLOOR SPACE AND THAT IS:~~

31 ~~(1) LIGHTED;~~

32 ~~(2) VENTILATED;~~

33 ~~(3) UNLOCKED; AND~~

34 ~~(4) FREE OF OBJECTS AND FIXTURES WITH WHICH A STUDENT COULD~~
35 ~~SELF INFLICT BODILY HARM.~~

1 (K) ~~"VOLUNTARY TIME OUT" MEANS THAT A STUDENT IS ALLOWED TO GO TO A~~
2 ~~DESIGNATED AREA FOR THE PURPOSE OF PROVIDING THE STUDENT WITH AN~~
3 ~~OPPORTUNITY TO REGAIN SELF CONTROL OR TO AVERT A LOSS OF SELF CONTROL.~~

4 ~~7-1102.~~

5 (A) ~~A PERSON MAY NOT USE SECLUSION IN ANY:~~

6 (1) ~~PUBLIC SCHOOL;~~

7 (2) ~~STATE OPERATED PROGRAM; OR~~

8 (3) ~~NONPUBLIC SCHOOL NOT CERTIFIED BY THE JOINT COMMISSION~~
9 ~~FOR THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS THAT RECEIVES FUNDS~~
10 ~~FROM THE DEPARTMENT FOR THE PURPOSE OF EDUCATING STUDENTS.~~

11 (B) ~~A PERSON MAY USE SECLUSION IN A RESIDENTIAL TREATMENT FACILITY~~
12 ~~OR A NONPUBLIC SCHOOL THAT IS CERTIFIED BY THE JOINT COMMISSION FOR THE~~
13 ~~ACCREDITATION OF HEALTH CARE ORGANIZATIONS IN ACCORDANCE WITH THE~~
14 ~~REQUIREMENTS OF THE JOINT COMMISSION FOR THE ACCREDITATION OF HEALTH~~
15 ~~CARE ORGANIZATIONS.~~

16 ~~7-1103.~~

17 ~~A PERSON MAY NOT USE MECHANICAL RESTRAINT IN ANY:~~

18 (1) ~~PUBLIC SCHOOL;~~

19 (2) ~~STATE OPERATED PROGRAM; OR~~

20 (3) ~~NONPUBLIC SCHOOL THAT RECEIVES FUNDS FROM THE~~
21 ~~DEPARTMENT FOR THE PURPOSE OF EDUCATING STUDENTS.~~

22 ~~7-1104.~~

23 (A) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT~~
24 ~~USE PHYSICAL RESTRAINT IN ANY:~~

25 (1) ~~PUBLIC SCHOOL;~~

26 (2) ~~STATE OPERATED PROGRAM; OR~~

27 (3) ~~NONPUBLIC SCHOOL THAT RECEIVES FUNDING FROM THE~~
28 ~~DEPARTMENT FOR THE PURPOSE OF EDUCATING STUDENTS.~~

29 (B) ~~A PERSON MAY USE PHYSICAL RESTRAINT FOR A STUDENT IF:~~

30 (1) ~~THE STUDENT POSES AN IMMEDIATE PHYSICAL RISK TO THE~~
31 ~~STUDENT OR TO ANOTHER PERSON;~~

32 (2) ~~THERE IS NO KNOWN MEDICAL CONTRAINDICATION TO ITS USE;~~

1 (3) ~~THE STAFF APPLYING PHYSICAL RESTRAINT HAS BEEN TRAINED IN~~
2 ~~ITS SAFE APPLICATION AND HAS DEMONSTRATED SATISFACTORY KNOWLEDGE AND~~
3 ~~SAFE APPLICATION OF THE USE OF PHYSICAL RESTRAINT; AND~~

4 (4) ~~LESS INTRUSIVE ALTERNATIVES FOR THE STUDENT HAVE FAILED~~
5 ~~OR HAVE BEEN DEEMED INAPPROPRIATE.~~

6 ~~(C) (1) A PERSON MAY USE PHYSICAL RESTRAINT AS PART OF A FREE AND~~
7 ~~APPROPRIATE PUBLIC EDUCATION FOR A STUDENT WHO RECEIVES SPECIAL~~
8 ~~EDUCATION, AND WHOSE BEHAVIOR IMPEDES THE STUDENT'S ABILITY TO LEARN,~~
9 ~~ONLY IF INDIVIDUALLY DESIGNED POSITIVE BEHAVIOR INTERVENTION STRATEGIES~~
10 ~~AND SUPPORTS ALONE ARE NOT EFFECTIVE IN PREVENTING BEHAVIOR THAT IS~~
11 ~~HARMFUL TO THE STUDENT OR TO ANOTHER PERSON.~~

12 (2) ~~(I) IF THE INDIVIDUALIZED EDUCATION PLAN TEAM RESPONSIBLE~~
13 ~~FOR DESIGNING A STUDENT'S INDIVIDUALIZED EDUCATION PLAN REASONABLY~~
14 ~~ANTICIPATES THAT PHYSICAL RESTRAINT OF THE STUDENT WILL BE NECESSARY,~~
15 ~~THE TEAM SHALL:~~

16 1. ~~MAKE AN INDIVIDUALIZED DETERMINATION REGARDING~~
17 ~~THE TYPE OF PHYSICAL RESTRAINT TO BE USED; AND~~

18 2. ~~INCLUDE THE USE OF THE PHYSICAL RESTRAINT IN THE~~
19 ~~STUDENT'S INDIVIDUALIZED EDUCATION PLAN.~~

20 ~~(H) BEFORE MAKING A DETERMINATION UNDER SUBPARAGRAPH~~
21 ~~(I) OF THIS PARAGRAPH, THE TEAM SHALL TAKE INTO ACCOUNT THE STUDENT'S:~~

22 1. ~~MEDICAL HISTORY;~~

23 2. ~~DISABILITY CHARACTERISTICS; AND~~

24 3. ~~PSYCHOSOCIAL HISTORY TO THE EXTENT KNOWN.~~

25 ~~(D) (1) IF PHYSICAL RESTRAINT IS NOT INCLUDED ON A STUDENT'S~~
26 ~~INDIVIDUALIZED EDUCATION PLAN AND THE STUDENT REQUIRES PHYSICAL~~
27 ~~RESTRAINT, THE INDIVIDUALIZED EDUCATION PLAN TEAM SHALL CONVENE AS~~
28 ~~SOON AS PRACTICABLE AFTER THE INCIDENT THAT GIVES RISE TO PHYSICAL~~
29 ~~RESTRAINT TO CONSIDER THE NEED FOR INCLUSION OF PHYSICAL RESTRAINT ON~~
30 ~~THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN.~~

31 (2) ~~(I) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS~~
32 ~~SUBSECTION, THE INDIVIDUALIZED EDUCATION PLAN TEAM SHALL TAKE INTO~~
33 ~~ACCOUNT THE STUDENT'S:~~

34 1. ~~BEHAVIORAL HISTORY;~~

35 2. ~~PREVIOUS RESPONSE TO POSITIVE BEHAVIOR~~
36 ~~INTERVENTION STRATEGIES AND SUPPORTS;~~

1 ~~7-1105.~~

2 (A) (1) ~~SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A PERSON MAY~~
3 ~~USE INVOLUNTARY TIME OUT AS A BEHAVIOR INTERVENTION TECHNIQUE IN ANY:~~

4 (I) ~~PUBLIC SCHOOL;~~

5 (II) ~~STATE OPERATED PROGRAM; OR~~

6 (III) ~~NONPUBLIC SCHOOLS THAT RECEIVE FUNDING FROM THE~~
7 ~~DEPARTMENT FOR THE PURPOSE OF EDUCATING STUDENTS.~~

8 (2) ~~IF THE USE OF INVOLUNTARY TIME OUT WITH A STUDENT DOES NOT~~
9 ~~DECREASE DURING AN ACADEMIC QUARTER, THE FOLLOWING ACTIONS SHALL BE~~
10 ~~TAKEN:~~

11 (I) ~~FOR A STUDENT RECEIVING SPECIAL EDUCATION SERVICES~~
12 ~~WHO HAS A BEHAVIOR INTERVENTION PLAN, AN INDIVIDUALIZED EDUCATION PLAN~~
13 ~~TEAM MEETING SHALL BE CONVENED WITHIN 10 DAYS OF THE END OF THE~~
14 ~~ACADEMIC QUARTER, UNLESS THE PARENT OR GUARDIAN OF THE STUDENT~~
15 ~~REQUESTS A MEETING AT A LATER DATE, FOR THE PURPOSE OF:~~

16 1. ~~REVIEWING THE STUDENT'S BEHAVIOR INTERVENTION~~
17 ~~PLAN; AND~~

18 2. ~~MAKING APPROPRIATE REVISIONS AS NECESSARY TO~~
19 ~~ENSURE THAT INVOLUNTARY TIME OUT IS NOT USED AS AN ALTERNATIVE TO MORE~~
20 ~~EFFECTIVE BEHAVIOR INTERVENTION TECHNIQUES AND TO ENSURE THAT THE~~
21 ~~STUDENT DOES NOT MISS INSTRUCTIONAL TIME DUE TO EXCESSIVE PLACEMENT IN~~
22 ~~INVOLUNTARY TIME OUT;~~

23 (II) ~~FOR A STUDENT RECEIVING SPECIAL EDUCATION SERVICES~~
24 ~~WHO DOES NOT HAVE A BEHAVIOR INTERVENTION PLAN, AN INDIVIDUALIZED~~
25 ~~EDUCATION PLAN TEAM MEETING SHALL BE CONVENED WITHIN 10 DAYS OF THE~~
26 ~~END OF THE ACADEMIC QUARTER, UNLESS THE PARENT OR GUARDIAN OF THE~~
27 ~~STUDENT REQUESTS A LATER MEETING DATE, FOR THE PURPOSE OF~~
28 ~~RECOMMENDING A FUNCTIONAL BEHAVIORAL ASSESSMENT, TO BE CONDUCTED ON~~
29 ~~AN EXPEDITED BASIS AND WITH AN EXPEDITED REVIEW AND DEVELOPMENT OF AN~~
30 ~~APPROPRIATE BEHAVIOR INTERVENTION PLAN; AND~~

31 (III) ~~FOR A STUDENT WHO DOES NOT RECEIVE SPECIAL EDUCATION~~
32 ~~SERVICES, AN IMMEDIATE REFERRAL FOR SPECIAL EDUCATION SHALL BE MADE TO~~
33 ~~DETERMINE IF THE STUDENT HAS A DISABILITY THAT MAY WARRANT THE~~
34 ~~PROVISION OF SPECIAL EDUCATION SERVICES.~~

35 (B) ~~FOR A STUDENT IN SPECIAL EDUCATION FOR WHOM INVOLUNTARY TIME~~
36 ~~OUT IS AN ESTABLISHED COMPONENT OF A BEHAVIOR INTERVENTION PLAN, THE~~
37 ~~USE OF INVOLUNTARY TIME OUT SHALL BE SPECIFIED ON THE STUDENT'S~~
38 ~~INDIVIDUALIZED EDUCATION PLAN.~~

1 ~~(C) (1) SCHOOL STAFF SHALL DOCUMENT EACH TIME A STUDENT IS~~
2 ~~SUBJECT TO INVOLUNTARY TIME OUT AND THE STARTING AND ENDING TIMES FOR~~
3 ~~THE INVOLUNTARY TIME OUT.~~

4 ~~(2) THE DOCUMENTATION REQUIRED UNDER PARAGRAPH (1) OF THIS~~
5 ~~SUBSECTION SHALL BE PROVIDED TO THE STUDENT'S PARENT OR GUARDIAN:~~

6 ~~(I) ALONG WITH THE PERIODIC STUDENT PROGRESS REPORTS~~
7 ~~MANDATED BY LAW; AND~~

8 ~~(II) UPON REQUEST OF THE PARENT OR GUARDIAN AT ANY TIME,~~
9 ~~WITH REASONABLE NOTICE.~~

10 ~~(D) A PERSON MAY NOT SUBJECT A STUDENT TO INVOLUNTARY TIME OUT AS~~
11 ~~A MEANS OF DISCIPLINE.~~

12 ~~7-1106.~~

13 ~~(A) A STAFF MEMBER OF THE SCHOOL OR PROGRAM THAT THE STUDENT~~
14 ~~ATTENDS SHALL MONITOR A STUDENT VISUALLY AND AUDITORIALLY, ON A~~
15 ~~CONTINUOUS BASIS, WHILE THE STUDENT IS IN THE TIME OUT ROOM OR AREA.~~

16 ~~(B) A STUDENT PLACED IN A TIME OUT ROOM OR AREA SHALL BE PROVIDED~~
17 ~~WITH CLEAR INSTRUCTIONS ABOUT THE REQUIREMENTS THAT THE STUDENT MUST~~
18 ~~SATISFY IN ORDER TO BE REINTEGRATED INTO THE CLASSROOM.~~

19 ~~7-1107.~~

20 ~~(A) VOLUNTARY TIME OUT MAY BE REQUESTED BY:~~

21 ~~(1) SCHOOL STAFF; OR~~

22 ~~(2) THE STUDENT.~~

23 ~~(B) A PERSON MAY NOT USE PHYSICAL FORCE TO PREVENT A STUDENT~~
24 ~~SUBJECT TO VOLUNTARY TIME OUT FROM LEAVING THE DESIGNATED TIME OUT~~
25 ~~ROOM OR AREA UNLESS TRAINED SCHOOL STAFF DETERMINES THAT THE STUDENT~~
26 ~~REQUIRES AN INVOLUNTARY TIME OUT.~~

27 ~~7-1108; 7-1102.~~

28 ~~(A) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS~~
29 ~~SUBTITLE.~~

30 ~~(B) THE REGULATIONS SHALL BE DEVELOPED WITH INPUT AND ADVICE~~
31 ~~FROM:~~

32 ~~(1) PARENTS OF STUDENTS WITH DISABILITIES;~~

33 ~~(2) OTHER PARENTS;~~

1 ~~(3) TEACHERS;~~

2 ~~(4) ADMINISTRATORS;~~

3 ~~(5) ADVOCATES FOR PERSONS WITH DISABILITIES;~~

4 ~~(6) OTHER ADVOCACY ORGANIZATIONS; AND~~

5 ~~(7) INDIVIDUALS WITH KNOWLEDGE OR EXPERTISE IN THE~~
6 ~~DEVELOPMENT AND IMPLEMENTATION OF BEHAVIORAL INTERVENTIONS FOR~~
7 ~~STUDENTS WITH CHALLENGING BEHAVIORS.~~

8 (A) THE STATE SUPERINTENDENT SHALL APPOINT A TASK FORCE TO
9 PROPOSE REGULATIONS TO THE STATE BOARD REGARDING STUDENT BEHAVIOR
10 INTERVENTION PRACTICES.

11 (B) THE TASK FORCE SHALL CONSIST OF:

12 (1) REPRESENTATIVES OF THE DEPARTMENT;

13 (2) REPRESENTATIVES OF LOCAL SCHOOL SYSTEMS, INCLUDING
14 TEACHERS, ADMINISTRATORS, SCHOOL PSYCHOLOGISTS AND SOCIAL WORKERS;

15 (3) REPRESENTATIVES OF ADVOCACY COMMUNITIES;

16 (4) REPRESENTATIVES FROM NONPUBLIC SPECIAL EDUCATION
17 FACILITIES; AND

18 (5) INDIVIDUALS WITH KNOWLEDGE OF AND EXPERTISE IN POSITIVE
19 BEHAVIORAL INTERVENTIONS.

20 ~~(C) THE REGULATIONS SHALL INCLUDE REQUIREMENTS REGARDING:~~

21 ~~(1) THE USE OF PHYSICAL RESTRAINT AND VOLUNTARY TIME OUT OR~~
22 ~~INVOLUNTARY TIME OUT, INCLUDING THE TYPES OF PERMISSIBLE PHYSICAL~~
23 ~~HOLDS, SIZE AND CHARACTERISTICS OF A TIME OUT ROOM OR OTHER AREA, AND~~
24 ~~AMOUNT OF TIME AND EXAMPLES OF CIRCUMSTANCES UNDER WHICH STUDENTS~~
25 ~~MAY BE PLACED IN INVOLUNTARY TIME OUT AND VOLUNTARY TIME OUT;~~

26 (C) THE TASK FORCE SHALL CONSIDER:

27 (1) THE CIRCUMSTANCES UNDER WHICH, AND THE SCHOOLS OR TYPES
28 OF SCHOOLS IN WHICH, PHYSICAL RESTRAINT, MECHANICAL RESTRAINT, AND
29 SECLUSION SHALL BE PROHIBITED;

30 (2) THE DEFINITIONS OF INVOLUNTARY AND OTHER TYPES OF TIME
31 OUT;

32 (3) THE USE OF PHYSICAL RESTRAINT, MECHANICAL RESTRAINT,
33 VOLUNTARY TIME OUT, AND INVOLUNTARY TIME OUT, INCLUDING:

1 (I) THE TYPES OF PERMISSIBLE AND PROHIBITED PHYSICAL
2 HOLDS AND MECHANICAL RESTRAINTS;

3 (II) THE SIZE AND CHARACTERISTICS OF A TIME OUT ROOM OR
4 OTHER AREA; AND

5 (III) THE AMOUNT OF TIME AND EXAMPLES OF CIRCUMSTANCES
6 UNDER WHICH STUDENTS MAY BE PLACED IN PHYSICAL RESTRAINT, VOLUNTARY
7 TIME OUT, AND INVOLUNTARY TIME OUT;

8 (4) THE CIRCUMSTANCES UNDER WHICH REVIEW OF A STUDENT'S
9 INDIVIDUALIZED EDUCATION PROGRAM WOULD OCCUR IF RESTRAINTS OR
10 INVOLUNTARY TIME OUT ARE USED WITH THE STUDENT AS A BEHAVIOR
11 INTERVENTION;

12 (5) THE CIRCUMSTANCES UNDER WHICH THE SPECIAL EDUCATION
13 EVALUATION PROCESS SHALL BE INITIATED FOR STUDENTS NOT IN SPECIAL
14 EDUCATION WHO ARE RESTRAINED OR PLACED IN INVOLUNTARY TIME OUT AS A
15 BEHAVIOR INTERVENTION;

16 (6) THE CIRCUMSTANCES UNDER WHICH A FUNCTIONAL ASSESSMENT
17 AND A BEHAVIOR INTERVENTION PLAN WILL BE CONDUCTED FOR THE STUDENTS
18 DESCRIBED IN ITEMS (4) AND (5) OF THIS SUBSECTION;

19 (2) (7) APPROPRIATE BEHAVIORAL INTERVENTIONS, INCLUDING BUT
20 NOT LIMITED TO CRISIS INTERVENTION AND PREVENTION TECHNIQUES;

21 (3) (8) DEFINITIONS OF "POSITIVE BEHAVIORAL SUPPORTS" AND
22 "~~BEHAVIOR INTERVENTION~~ INTERVENTIONS AND STRATEGIES PLAN";

23 (4) (9) HOW TO DOCUMENT PROPERLY THE NEED FOR AND USE OF
24 BEHAVIORAL INTERVENTIONS WITH STUDENTS, INCLUDING NOTICE
25 REQUIREMENTS TO PARENTS;

26 (5) (10) TRAINING REQUIREMENTS FOR SCHOOL STAFF REGARDING
27 BEHAVIORAL INTERVENTIONS; ~~AND, INCLUDING THE NEED TO INDIVIDUALIZE~~
28 BEHAVIORAL INTERVENTIONS BASED ON A STUDENT'S BEHAVIORAL, MEDICAL, AND
29 PSYCHOLOGICAL HISTORY AND DISABILITY CHARACTERISTICS;

30 (6) (11) MINIMUM REQUIREMENTS FOR POLICIES AND PROCEDURES TO
31 BE DEVELOPED BY LOCAL SCHOOL SYSTEMS, STATE OPERATED PROGRAMS, AND
32 NONPUBLIC SCHOOLS ~~RECEIVING FUNDING FROM THE DEPARTMENT TO PROVIDE~~
33 EDUCATIONAL SERVICES TO STUDENTS; AND

34 (12) STANDARDS FOR MONITORING COMPLIANCE BY LOCAL SCHOOL
35 SYSTEMS, STATE OPERATED PROGRAMS, AND NONPUBLIC SCHOOLS WITH THE
36 REQUIREMENTS OF THIS SUBTITLE.

37 (D) THE DEPARTMENT SHALL SUBMIT PROPOSED REGULATIONS TO THE
38 STATE BOARD OF EDUCATION ON OR BEFORE DECEMBER 31, 2002.

1 ~~7-1109.~~ 7-1103.

2 EACH LOCAL SCHOOL SYSTEM, STATE OPERATED PROGRAM, AND NONPUBLIC
3 SCHOOL ~~RECEIVING FUNDING FROM THE DEPARTMENT TO PROVIDE EDUCATIONAL~~
4 ~~SERVICES TO STUDENTS~~ SHALL DEVELOP POLICIES AND PROCEDURES IN
5 COMPLIANCE WITH THIS SUBTITLE AND THE REGULATIONS ADOPTED BY THE
6 DEPARTMENT.

7 ~~7-1110.~~ 7-1104.

8 THE STATE SUPERINTENDENT SHALL CONSULT WITH REPRESENTATIVES OF
9 INSTITUTIONS OF HIGHER EDUCATION AND THE PROFESSIONAL STANDARDS AND
10 TEACHER EDUCATION BOARD UNDER TITLE 6, SUBTITLE 7 OF THIS ARTICLE WITH
11 RESPECT TO THE TRAINING REQUIREMENTS FOR TEACHERS TO ENSURE THAT
12 SUFFICIENT TRAINING IS AVAILABLE REGARDING POSITIVE BEHAVIORAL
13 INTERVENTIONS AND STRATEGIES CONSISTENT WITH PROFESSIONALLY ACCEPTED
14 PRACTICES AND STANDARDS FOR PERSONS ENTERING THE FIELD OF EDUCATION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2002.