

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 569

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Benson” and substitute “, Benson, Hixson, Healey, Bartlett, Bohanan, Bozman, Carlson, Conroy, Cryor, C. Davis, Finifter, Heller, Howard, Marriott, McKee, Patterson, Phillips, Ports, Rosso, Rudolph, Rzepkowski, and Shriver”.

On page 1, in line 2, after “Programs - “ insert “Task Force to Propose Regulations Regarding”; strike beginning with “establishing” in line 4 down through “programs;” in line 8; in line 8, strike “Maryland”; in line 9, strike “adopt” and substitute “create a task force to propose”; in the same line, after “regulations” insert “regarding the implementation of standards for student behavior intervention practices; requiring the Department to submit certain proposed regulations to the State Board of Education on or before a certain date; requiring that the regulations be developed by the task force; requiring the task force to reconvene to review and consider a revision of certain regulations”; strike beginning with “requiring” in line 9 down through “intervention” in line 11 and substitute “requiring certain schools and programs to develop certain policies and procedures in compliance with standards for student behavior intervention practices”; in line 13, after “teachers;” insert “defining certain terms;”; and in line 18, strike “7-1110” and substitute “7-1104, inclusive,”.

AMENDMENT NO. 2

On page 2, in line 15, strike “BEHAVIORS” and substitute “BEHAVIOR”; strike in their entirety lines 18 through 20, inclusive; in line 21, strike “(F)” and substitute “(E)”; strike in their entirety lines 27 through 33, inclusive; after line 33, insert:

“(F) “NONPUBLIC SCHOOL” MEANS A SCHOOL THAT RECEIVES FUNDS FROM THE DEPARTMENT FOR THE PURPOSE OF PROVIDING SPECIAL EDUCATION AND RELATED SERVICES TO STUDENTS WITH DISABILITIES.”;

and in line 34, strike “(H)” and substitute “(G)”.

(Over)

AMENDMENT NO. 3

On page 3, in line 3, after “HAND” insert “OR ARM”; in line 4, strike “OR”; in line 7, after “UNSUCCESSFUL” insert “; OR

(IV) BREAKING UP A FIGHT IN THE SCHOOL BUILDING OR ON SCHOOL GROUNDS”;

in line 8, strike “(I)” and substitute “(H)”; and strike in their entirety lines 11 through 20, inclusive.

AMENDMENT NO. 4

On pages 3 through 8, strike in their entirety the lines beginning with line 21 on page 3 through line 11 on page 8, inclusive.

AMENDMENT NO. 5

On page 8, in line 12, strike “7-1108.” and substitute “7-1102.”; strike in their entirety lines 13 through 25, inclusive, and substitute:

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

(B) THE TASK FORCE SHALL CONSIST OF:

(1) REPRESENTATIVES OF THE DEPARTMENT;

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

(3) REPRESENTATIVES OF ADVOCACY COMMUNITIES;

(4) REPRESENTATIVES FROM NONPUBLIC SPECIAL EDUCATION FACILITIES; AND

(5) INDIVIDUALS WITH KNOWLEDGE OF AND EXPERTISE IN POSITIVE BEHAVIORAL INTERVENTIONS.”;

strike in their entirety lines 26 through 31, inclusive, and substitute:

“(C) THE TASK FORCE SHALL CONSIDER:

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

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

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

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

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

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

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

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

(Over)

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

and in line 32, strike “(2)” and substitute “(7)”.

AMENDMENT NO. 6

On page 9, in line 1, strike “(3)” and substitute “(8)”; in line 2, strike “INTERVENTION” and substitute “INTERVENTIONS AND STRATEGIES”; in line 3, strike “(4)” and substitute “(9)”; in line 4, after “STUDENTS” insert “, INCLUDING NOTICE REQUIREMENTS TO PARENTS”; in line 5, strike “(5)” and substitute “(10)”; in line 6, strike “; AND” and substitute “, INCLUDING THE NEED TO INDIVIDUALIZE BEHAVIORAL INTERVENTIONS BASED ON A STUDENT’S BEHAVIORAL, MEDICAL, AND PSYCHOLOGICAL HISTORY AND DISABILITY CHARACTERISTICS”; in line 7, strike “(6)” and substitute “(11)”; strike beginning with “RECEIVING” in line 9 down through “STUDENTS.” in line 10 and substitute “; AND”; after line 10, insert:

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

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

in line 11, strike “7-1109.” and substitute “7-1103.”; strike beginning with “RECEIVING” in line 13 down through “STUDENTS” in line 14; and in line 17, strike “7-1110.” and substitute “7-1104.”.