

SB0786/654030/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 786
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Behavior Intervention Plans – Physical”; in the same line, after “Seclusion” insert “- Consideration and Reporting”; strike beginning with “prohibiting” in line 3 down through “circumstances” in line 9 and substitute “requiring the State Superintendent of Schools to convene a certain task force; providing for the composition of the task force; requiring the task force to consider certain issues; requiring the task force to review certain regulations and make certain recommendations to the State Board of Education and certain committees of the General Assembly on or before a certain date; requiring the State Department of Education to submit certain regulations to the State Board on or before a certain date”; in line 9, after “requiring” insert “certain public agencies and certain nonpublic”; in line 10, strike “State”; in the same line, strike “of Education”; strike beginning with “relating” in line 11 down through “regulations” in line 12 and substitute “; requiring certain public agencies and certain nonpublic schools to observe and review certain seclusion rooms and certain training plans; requiring the Department to provide certain guidance and report certain information to the General Assembly on or before a certain date each year”; in line 13, strike “of Schools”; strike beginning with the third comma in line 15 down through “development” in line 18; in line 19, after “defining” insert “a”; strike beginning with “terms” in line 19 down through “law” in line 20 and substitute “term; subjecting a certain provision of law to a certain termination date”; in line 20, strike “behavior intervention plans” and substitute “restraint and seclusion in public agencies and nonpublic schools”; and in line 23, strike “7-1101, 7-1103, and 7-1104” and substitute “7-1101 through 7-1104”.

On pages 1 and 2, strike the lines beginning with line 26 on page 1 through line 2 on page 2, inclusive.

(Over)

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On page 2, in line 5, strike “7-1102” and substitute “7-1102.1”; and after line 7, insert:

“BY repealing

Article – Education

Section 7-1102

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

(As enacted by Section 1 of this Act)

BY renumbering

Article - Education

Section 7-1102.1

to be Section 7-1102

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 2, in lines 14 and 15, in each instance, strike the brackets; in line 14, strike “**CHALLENGING**”; in line 15, strike the colon; in line 16, strike “**(1) POSITIVE**”; and strike beginning with the semicolon in line 16 down through “**INTERVENTIONS**” in line 17.

On page 3, in line 17, after “**SYSTEM,**” insert “**THE MARYLAND SCHOOL FOR THE DEAF,**”; strike beginning with “**ANY**” in line 17 down through “**STUDENTS**” in line 18 and substitute “**THE MARYLAND SCHOOL FOR THE BLIND**”; in line 27, strike the bracket; in line 28, strike “appoint” and substitute “**CONVENE**”; strike beginning with the first “to” in line 28 down through “practices” in line 29 and substitute “**IN ACCORDANCE WITH THIS SECTION**”; strike in their entirety lines 22 through 26, inclusive; after line 30, insert:

“(1) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(3) THE FOLLOWING MEMBERS APPOINTED BY THE STATE SUPERINTENDENT;”;

and in line 31, strike “(1)” and substitute “**(I)**”.

On page 4, in lines 1, 3, 4, and 5, strike “(2)”, “(3)”, “(4)”, and “(5)”, respectively, and substitute “**(II)**”, “**(III)**”, “**(IV)**”, and “**(V)**”, respectively; in line 4, strike “and”; in line 6, after “interventions” insert “;

(VI) REPRESENTATIVES OF STUDENTS WITH DISABILITIES;
AND

(VII) INDIVIDUALS WITH CLINICAL EXPERTISE REGARDING CHILDREN WHO HAVE SUSTAINED ABUSE, NEGLECT, OR TRAUMA”;

in line 9, strike “physical restraint, mechanical restraint,” and substitute “**RESTRAINT**”; after line 9, insert:

“(2) CONTRAINDICATIONS FOR RESTRAINT AND SECLUSION AND WHO MAY AUTHORIZE RESTRAINT AND SECLUSION;”;

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strike in their entirety lines 10 through 28, inclusive; in line 29, strike “(8)” and substitute “**(3)**”; in the same line, strike “and” and substitute a comma; and in line 30, after “plan” insert “**, AND “TRAUMA-INFORMED INTERVENTIONS”**”.

On page 5, strike lines 1 and 2 in their entirety; in lines 3, 6, and 8, strike “(10)”, “(11)”, and “(12)”, respectively, and substitute “**(4)**”, “**(5)**”, and “**(6)**”, respectively; in line 5, after “characteristics” insert “**, AND TRAUMA-INFORMED INTERVENTIONS**”; after line 9, insert:

“(D) THE TASK FORCE SHALL:

(1) REVIEW EXISTING REGULATIONS RELATING TO SECLUSION;

AND

(2) ON OR BEFORE OCTOBER 1, 2017, MAKE RECOMMENDATIONS TO THE STATE BOARD AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY REGARDING:

(I) FINDINGS AND RECOMMENDATIONS DETERMINED UNDER THIS SECTION, INCLUDING CONSIDERATION OF THE FOLLOWING FACTORS IF THE TASK FORCE DETERMINES THAT THERE ARE CIRCUMSTANCES UNDER WHICH SECLUSION MAY BE USED:

1. THE TYPES OF DOORS AND LOCKING MECHANISMS THAT MAY BE USED;

2. THE SAFETY OF THE ROOMS USED FOR SECLUSION;

3. THE REQUIREMENTS FOR OBSERVATION OF THE ROOMS USED FOR SECLUSION;

4. THE PERIOD OF TIME FOR THE USE OF SECLUSION;
AND

5. THE REQUIREMENTS FOR THE DISCONTINUATION
OF SECLUSION; AND

(II) CHANGES THAT ARE NEEDED TO UPDATE REGULATIONS
TO BE CONSISTENT WITH § 7-1103 OF THIS SUBTITLE OR ANY OTHER FINDINGS
AND RECOMMENDATIONS.”;

in line 10, strike “(d)” and substitute “(E)”; in line 11, strike “December 31, 2002” and substitute “DECEMBER 1, 2017”; and in the same line, strike the bracket.

AMENDMENT NO. 3

On page 5, in line 12, strike “7-1102.” and substitute “7-1102.1.”.

On pages 5 through 7, strike in their entirety the lines beginning with line 13 on page 5 through line 22 on page 7, inclusive.

AMENDMENT NO. 4

On page 7, in line 23, strike “(D)”; in line 24, strike the comma and substitute “:

(1)”;

in the same line, strike the second “EACH” and substitute “EACH PUBLIC AGENCY AND NONPUBLIC”; in line 27, after “GENDER,” insert “AGE,”; after line 27, insert:

“(2) EACH PUBLIC AGENCY AND NONPUBLIC SCHOOL SHALL
SUBMIT TO THE DEPARTMENT A REPORT FOR THE PRIOR SCHOOL YEAR ON THE

(Over)

PROFESSIONAL DEVELOPMENT PROVIDED TO DESIGNATED SCHOOL PERSONNEL
RELATED TO POSITIVE BEHAVIORAL INTERVENTIONS, STRATEGIES, AND
SUPPORTS AND TRAUMA-INFORMED INTERVENTIONS.

(3) EACH PUBLIC AGENCY AND NONPUBLIC SCHOOL SHALL:

(I) PERSONALLY OBSERVE AND REVIEW SECLUSION ROOMS;

(II) REVIEW TRAINING PLANS FOR THE USE OF SECLUSION;

AND

(III) REPORT TO THE DEPARTMENT REGARDING FINDINGS
MADE UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH.

(4) THE DEPARTMENT SHALL:

(I) PROVIDE GUIDANCE TO PUBLIC AGENCIES AND
NONPUBLIC SCHOOLS REGARDING THE REQUIREMENTS OF THE USE OF
SECLUSION AND ROOMS FOR SECLUSION; AND

(II) REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE
WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REGARDING FINDINGS
AND RECOMMENDATIONS REPORTED TO THE DEPARTMENT UNDER THIS
SECTION.”;

and strike in their entirety lines 28 and 29.

On page 8, in line 5, strike “(A)”; in line 10, strike “AND TRAUMA-INFORMED INTERVENTIONS”; and strike in their entirety lines 12 through 18, inclusive.

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AMENDMENT NO. 5

On page 8, after line 18, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7-1102 of Article – Education of the Annotated Code of Maryland, as enacted by Section 1 of this Act, be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 7-1102.1 of Article – Education of the Annotated Code of Maryland, as enacted by Section 1 of this Act, be renumbered to be Section(s) 7-1102.

SECTION 4. AND BE IT FURTHER ENACTED, That Sections 2 and 3 of this Act shall take effect June 30, 2019.”;

in line 19, strike “2.” and substitute “5.”; and in the same line, after “That” insert “, except as provided in Section 4 of this Act.”.