

# SENATE BILL 705

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(2lr2176)

## ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senators Zucker, Hester, and Hough**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education – Physical Restraint and Seclusion – Limitations, Reporting, and**  
3 **Training**

4 FOR the purpose of prohibiting ~~a public agency~~ *certain public agencies* from using seclusion  
5 as a behavioral health intervention for a student; prohibiting a public agency from  
6 using physical restraint and a nonpublic school from using physical restraint or  
7 seclusion as a behavioral health intervention for a student, except under certain  
8 circumstances; requiring the State Department of Education to develop an  
9 accountability system to measure compliance with regulations adopted on the use of  
10 physical restraint and seclusion; altering the content and participants of certain  
11 training on positive behavioral interventions; and generally relating to the physical  
12 restraint and seclusion of students by public agencies and nonpublic schools.

13 BY renumbering

14 Article – Education

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Section 7–1102 through 7–1104, respectively  
 2 to be Section 7–1104 through 7–1106, respectively  
 3 Annotated Code of Maryland  
 4 (2018 Replacement Volume and 2021 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Education  
 7 Section 7–1101  
 8 Annotated Code of Maryland  
 9 (2018 Replacement Volume and 2021 Supplement)

10 BY adding to  
 11 Article – Education  
 12 Section ~~7–1102 and 7–1103~~ 7–1102, 7–1103, and 7–1106  
 13 Annotated Code of Maryland  
 14 (2018 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,  
 16 Article – Education  
 17 Section 7–1104 and 7–1106  
 18 Annotated Code of Maryland  
 19 (2018 Replacement Volume and 2021 Supplement)  
 20 (As enacted by Section 1 of this Act)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 22 That Section(s) 7–1102 through 7–1104, respectively, of Article – Education of the  
 23 Annotated Code of Maryland be renumbered to be Section(s) 7–1104 through 7–1106,  
 24 respectively.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 26 as follows:

27 **Article – Education**

28 7–1101.

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

30 (b) “Behavior intervention plan” means a proactive plan designed to address  
 31 problem behavior exhibited by a student in the educational setting through the use of  
 32 positive behavioral interventions, strategies, and supports.

33 (c) “Nonpublic school” means a school that receives funds from the Department  
 34 for the purpose of providing special education and related services to students with  
 35 disabilities.

1 (d) (1) “Physical restraint” means ~~the use of physical force, without the use of~~  
2 ~~any device or material, to restrict the free movement of all or a portion of a student’s body~~  
3 **A PERSONAL RESTRICTION THAT IMMOBILIZES A STUDENT OR REDUCES THE**  
4 **ABILITY OF A STUDENT TO MOVE THEIR TORSO, ARMS, LEGS, OR HEAD FREELY THAT**  
5 **OCCURS DURING SCHOOL HOURS.**

6 (2) “Physical restraint” does not include:

7 (i) Briefly holding a student in order to calm or comfort the student;

8 (ii) Holding a student’s hand or arm to escort the student safely from  
9 one area to another;

10 (iii) Moving a disruptive student who is unwilling to leave the area  
11 when other methods such as counseling have been unsuccessful; or

12 (iv) Breaking up a fight in the school building or on school grounds.

13 (e) “Public agency” means the Department, a local school system, the Maryland  
14 School for the Deaf, [or] the Maryland School for the Blind, **OR THE JUVENILE SERVICES**  
15 **EDUCATION PROGRAM.**

16 (f) **(1)** “Seclusion” means the confinement of a student alone in a room, an  
17 enclosure, or any other space from which the student is physically prevented from leaving  
18 **DURING SCHOOL HOURS.**

19 **(2) “SECLUSION” DOES NOT INCLUDE A BEHAVIOR INTERVENTION**  
20 **PLAN OF SEPARATING A STUDENT BY PLACING THE STUDENT:**

21 **(I) INTO A NONLOCKED ROOM FROM WHICH THE STUDENT IS**  
22 **ALLOWED TO LEAVE; OR**

23 **(II) WITHIN A SEPARATE LOCATION IN A CLASSROOM FROM**  
24 **WHICH THE STUDENT IS NOT PHYSICALLY PREVENTED FROM LEAVING.**

25 (G) “TRAUMA-INFORMED INTERVENTION” MEANS AN APPROACH TO  
26 BEHAVIOR INTERVENTION THAT IS INFORMED BY THE RECOGNITION THAT THE  
27 EXPERIENCE OF TRAUMA, INCLUDING THE EXPERIENCE OF VIOLENCE, ABUSE,  
28 NEGLECT, DISASTER, TERRORISM, AND WAR, MAY HAVE A SIGNIFICANT IMPACT ON  
29 AN INDIVIDUAL’S PHYSICAL AND EMOTIONAL HEALTH AND ABILITY TO FUNCTION.

30 7-1102.

31 **(A) THIS SECTION DOES NOT APPLY TO THE JUVENILE SERVICES**  
32 **EDUCATION PROGRAM.**

1       ~~(A)~~ (B)       A PUBLIC AGENCY MAY NOT USE SECLUSION AS A BEHAVIORAL  
2 HEALTH INTERVENTION FOR A STUDENT.

3       ~~(B)~~ (C)       NEITHER A PUBLIC AGENCY NOR A NONPUBLIC SCHOOL MAY USE  
4 PHYSICAL RESTRAINT ON A STUDENT AS A BEHAVIORAL HEALTH INTERVENTION  
5 UNLESS:

6               (1)   PHYSICAL RESTRAINT IS NECESSARY TO PROTECT THE STUDENT  
7 OR ANOTHER INDIVIDUAL FROM IMMINENT SERIOUS PHYSICAL HARM; AND

8               (2)   OTHER, LESS INTRUSIVE, NONPHYSICAL INTERVENTIONS HAVE  
9 FAILED OR BEEN DEMONSTRATED TO BE INAPPROPRIATE FOR THE STUDENT.

10       ~~(C)~~ (D)       (1)   A NONPUBLIC SCHOOL MAY NOT USE SECLUSION AS A  
11 BEHAVIORAL HEALTH INTERVENTION FOR A STUDENT UNLESS:

12               (I)   SECLUSION IS NECESSARY TO PROTECT THE STUDENT OR  
13 ANOTHER INDIVIDUAL FROM IMMINENT SERIOUS PHYSICAL HARM;

14               (II)  OTHER, LESS INTRUSIVE INTERVENTIONS HAVE FAILED OR  
15 BEEN DEMONSTRATED TO BE INAPPROPRIATE FOR THE STUDENT;

16               (III) A HEALTH CARE PRACTITIONER WHO QUALIFIES UNDER  
17 SUBSECTION ~~(D)~~ (E) OF THIS SECTION IS ON SITE AND IS DIRECTLY OBSERVING THE  
18 STUDENT DURING THE SECLUSION;

19               (IV)  THE HEALTH CARE PRACTITIONER CONCLUDES THAT  
20 SECLUSION IS NOT CONTRAINDICATED FOR THE PHYSICAL, PSYCHOLOGICAL, OR  
21 PSYCHOSOCIAL HEALTH OF THE STUDENT;

22               (V)   IF THE DOOR TO THE ROOM IN WHICH THE STUDENT IS  
23 BEING SECLUDED HAS A LOCKING MECHANISM, THE LOCKING MECHANISM IS  
24 ENGAGED ONLY IF HELD IN PLACE BY AN INDIVIDUAL OR, IF OPERATED  
25 ELECTRONICALLY, AUTOMATICALLY RELEASES IN THE CASE OF AN ACTIVE FIRE  
26 ALARM; AND

27               (VI)  THE PERIOD OF SECLUSION LASTS THE LESSER OF:

28                       1.   30 MINUTES; OR

29                       2.   A POINT IN TIME DURING WHICH THE STUDENT NO  
30 LONGER POSES A THREAT OF IMMINENT SERIOUS PHYSICAL HARM.

1           **(2) (I) FOR A STUDENT WHO HAS AN INDIVIDUALIZED EDUCATION**  
2 **PROGRAM AND IS PLACED IN SECLUSION, THE INDIVIDUALIZED EDUCATION**  
3 **PROGRAM TEAM, IN CONSULTATION WITH THE HEALTH CARE PRACTITIONER WHO**  
4 **OBSERVED THE SECLUSION, SHALL REVIEW THE STUDENT'S PHYSICAL,**  
5 **PSYCHOLOGICAL, AND PSYCHOSOCIAL HEALTH HISTORY TO DETERMINE WHETHER**  
6 **SECLUSION IS CONTRAINDICATED FOR THE STUDENT.**

7           **(II) A DETERMINATION UNDER THIS PARAGRAPH SHALL BE**  
8 **MADE:**

9           **1. AT EACH ANNUAL REVIEW OF THE STUDENT'S**  
10 **INDIVIDUALIZED EDUCATION PROGRAM; AND**

11           **2. WITHIN 10 DAYS OF A STUDENT'S PLACEMENT BEING**  
12 **CHANGED.**

13           **(3) (I) IF A STUDENT'S BEHAVIOR IS ADVERSELY AFFECTED AFTER**  
14 **BEING PLACED IN SECLUSION, THE NONPUBLIC SCHOOL SHALL CONVENE A PUPIL**  
15 **PERSONNEL MEETING ON AN EXPEDITED BASIS OR AT THE EARLIEST OPPORTUNITY**  
16 **TO DISCUSS ALTERNATIVE BEHAVIORAL HEALTH TREATMENTS.**

17           **(II) IF THE BEHAVIOR OF A STUDENT WITH AN INDIVIDUALIZED**  
18 **EDUCATION PROGRAM IS ADVERSELY AFFECTED AFTER BEING PLACED IN**  
19 **SECLUSION, THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL**  
20 **CONVENE A MEETING ON AN EXPEDITED BASIS OR AT THE EARLIEST OPPORTUNITY**  
21 **TO DISCUSS ALTERNATIVE BEHAVIORAL HEALTH TREATMENTS.**

22           ~~**(D)**~~ **(E) BEFORE A HEALTH CARE PRACTITIONER MAY USE SECLUSION AS**  
23 **A BEHAVIORAL HEALTH INTERVENTION FOR A STUDENT IN A NONPUBLIC SCHOOL,**  
24 **THE HEALTH CARE PRACTITIONER SHALL:**

25           **(1) (I) BE A PHYSICIAN, LICENSED TO PRACTICE UNDER TITLE 14**  
26 **OF THE HEALTH OCCUPATIONS ARTICLE;**

27           **(II) BE A PSYCHOLOGIST, LICENSED TO PRACTICE UNDER**  
28 **TITLE 18 OF THE HEALTH OCCUPATIONS ARTICLE;**

29           **(III) BE A CLINICAL SOCIAL WORKER, LICENSED TO PRACTICE**  
30 **UNDER TITLE 19 OF THE HEALTH OCCUPATIONS ARTICLE;**

31           **(IV) BE A REGISTERED NURSE, LICENSED TO PRACTICE UNDER**  
32 **TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; OR**

1 (V) BE A CLINICAL PROFESSIONAL COUNSELOR, LICENSED  
2 UNDER TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE;

3 (2) HAVE RECEIVED TRAINING IN ALL TOPICS REQUIRED UNDER  
4 COMAR 13A.08.04.06, IN EFFECT ON JUNE 30, 2022; AND

5 (3) BE CLINICALLY FAMILIAR WITH A STUDENT.

6 7-1103.

7 (A) IN THIS SECTION, EACH INCIDENT DURING A BEHAVIORAL HEALTH  
8 INTERVENTION IN WHICH A STUDENT IS ENCLOSED IN A ROOM, ENCLOSURE, OR  
9 OTHER SPACE AND PREVENTED FROM LEAVING, SHALL BE COUNTED AS A SEPARATE  
10 INCIDENT OF SECLUSION REGARDLESS OF THE DURATION OF THE INCIDENT.

11 (B) (1) IF A STUDENT ENROLLED IN A PUBLIC SCHOOL IS PHYSICALLY  
12 RESTRAINED 10 TIMES OR MORE IN A SCHOOL YEAR, THE PUBLIC SCHOOL SHALL  
13 PROVIDE NOTICE TO THE DEPARTMENT AND THE LOCAL SCHOOL SYSTEM AT THE  
14 EARLIEST OPPORTUNITY, BUT NOT LONGER THAN 4 BUSINESS DAYS AFTER THE  
15 STUDENT'S 10TH INCIDENT OF PHYSICAL RESTRAINT.

16 (2) IF A STUDENT PLACED IN A NONPUBLIC SCHOOL BY THE LOCAL  
17 SCHOOL SYSTEM IS PHYSICALLY RESTRAINED OR PLACED IN SECLUSION 10 TIMES  
18 OR MORE IN A SCHOOL YEAR, THE NONPUBLIC SCHOOL SHALL PROVIDE NOTICE TO  
19 THE DEPARTMENT AND THE LOCAL SCHOOL SYSTEM AT THE EARLIEST  
20 OPPORTUNITY, BUT NOT LONGER THAN 4 BUSINESS DAYS AFTER THE STUDENT'S  
21 10TH INCIDENT OF PHYSICAL RESTRAINT OR SECLUSION.

22 (C) ON RECEIPT OF NOTICE FROM A PUBLIC SCHOOL OR NONPUBLIC  
23 SCHOOL UNDER SUBSECTION (B) OF THIS SECTION, THE LOCAL SCHOOL SYSTEM  
24 SHALL:

25 (1) REVIEW THE STUDENT'S CASE, INCLUDING THE CIRCUMSTANCES  
26 OF EACH INCIDENT OF PHYSICAL RESTRAINT OR SECLUSION;

27 (2) ASSESS THE PUBLIC SCHOOL'S OR NONPUBLIC SCHOOL'S  
28 PATTERN OF BEHAVIORAL HEALTH INTERVENTIONS TO EVALUATE WHETHER THE  
29 PUBLIC ~~AGENCY~~ SCHOOL OR NONPUBLIC SCHOOL COULD USE LESS RESTRICTIVE  
30 BEHAVIORAL HEALTH INTERVENTIONS; AND

31 (3) SHARE THE LOCAL SCHOOL SYSTEM'S RECOMMENDATIONS WITH  
32 THE DEPARTMENT AND THE PUBLIC SCHOOL OR NONPUBLIC SCHOOL.

1           **(D) IF A STUDENT ENROLLED IN A PUBLIC AGENCY THAT IS NOT A PUBLIC**  
2 **SCHOOL IS PHYSICALLY RESTRAINED 10 TIMES OR MORE IN A SCHOOL YEAR, THE**  
3 **PUBLIC AGENCY SHALL PROVIDE NOTICE TO THE DEPARTMENT AT THE EARLIEST**  
4 **OPPORTUNITY, BUT NOT LONGER THAN 4 BUSINESS DAYS AFTER THE STUDENT'S**  
5 **10TH INCIDENT OF PHYSICAL RESTRAINT.**

6           **(E) ON RECEIPT OF NOTICE FROM A PUBLIC AGENCY UNDER SUBSECTION**  
7 **(D) OF THIS SECTION, THE DEPARTMENT SHALL:**

8                   **(1) REVIEW THE STUDENT'S CASE, INCLUDING THE CIRCUMSTANCES**  
9 **OF EACH INCIDENT OF PHYSICAL RESTRAINT;**

10                   **(2) ASSESS THE PUBLIC AGENCY'S PATTERN OF BEHAVIORAL HEALTH**  
11 **INTERVENTIONS TO EVALUATE WHETHER THE PUBLIC AGENCY COULD USE LESS**  
12 **RESTRICTIVE BEHAVIORAL HEALTH INTERVENTIONS; AND**

13                   **(3) SHARE THE DEPARTMENT'S RECOMMENDATIONS WITH THE**  
14 **PUBLIC AGENCY.**

15 7-1104.

16           **(A) (1) [Beginning with the 2018-2019 school year, on] ON or before December**  
17 **1 each year[:**

18                   **(1) Each], EACH public agency and nonpublic school shall submit to the**  
19 **Department a report for the prior school year on [the]:**

20                           **(I) THE number of physical restraint [and seclusion] incidents,**  
21 **disaggregated by the student's jurisdiction, disability, race, gender, age, and type of**  
22 **placement;**

23                           **(II) THE NUMBER OF PHYSICAL RESTRAINT INCIDENTS EACH**  
24 **STUDENT WHO HAD AT LEAST ONE PHYSICAL RESTRAINT OR SECLUSION INCIDENT,**  
25 **DISAGGREGATED BY JURISDICTION, DISABILITY, RACE, GENDER, AGE, AND TYPE OF**  
26 **PLACEMENT;**

27                           **(III) FOR NONPUBLIC SCHOOLS, THE NUMBER OF SECLUSION**  
28 **INCIDENTS, DISAGGREGATED BY THE STUDENT'S JURISDICTION, DISABILITY, RACE,**  
29 **GENDER, AND AGE; AND**

30                           **(IV) FOR NONPUBLIC SCHOOLS, THE NUMBER OF SECLUSION**  
31 **INCIDENTS FOR EACH STUDENT WHO HAD AT LEAST ONE PHYSICAL RESTRAINT OR**  
32 **SECLUSION INCIDENT, DISAGGREGATED BY JURISDICTION, DISABILITY, RACE,**  
33 **GENDER, AND AGE.**

1           **(2) TO DETERMINE THE NUMBER OF INCIDENTS FOR THE REPORT**  
2 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

3           **(I) A SECLUSION INCIDENT SHALL BE CONSIDERED ENDED IF**  
4 **AT ANY POINT DURING THE INCIDENT THE STUDENT IS NO LONGER PREVENTED**  
5 **FROM LEAVING OR IS REMOVED FROM A ROOM, AN ENCLOSURE, OR OTHER SPACE;**  
6 **AND**

7           **(II) IF AFTER A SECLUSION INCIDENT HAS ENDED IN**  
8 **ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH, THE PUBLIC AGENCY OR**  
9 **NONPUBLIC SCHOOL DETERMINES THAT IT IS NECESSARY TO PLACE THE STUDENT**  
10 **IN SECLUSION AGAIN, THE SUBSEQUENT CONFINEMENT OF THE STUDENT IN A**  
11 **ROOM, ENCLOSURE, OR OTHER SPACE SHALL BE CONSIDERED A SEPARATE**  
12 **SECLUSION INCIDENT.**

13           **(3) (I) THE DEPARTMENT SHALL VERIFY THE ACCURACY OF A**  
14 **REPORT FROM ANY PUBLIC AGENCY OR NONPUBLIC SCHOOL THAT REPORTS NO**  
15 **PHYSICAL RESTRAINT OR SECLUSION INCIDENTS UNDER THIS SUBSECTION.**

16           **(II) IF THE DEPARTMENT IS UNABLE TO VERIFY THE ACCURACY**  
17 **OF A REPORT SUBMITTED BY A PUBLIC AGENCY OR NONPUBLIC SCHOOL, THE**  
18 **DEPARTMENT SHALL MAKE RECOMMENDATIONS FOR IMPROVEMENTS IN DATA**  
19 **COLLECTION AND POSITIVE BEHAVIORAL INTERVENTIONS AT THE PUBLIC AGENCY**  
20 **OR NONPUBLIC SCHOOL.**

21           **[(2)] (B) [Each] ON OR BEFORE DECEMBER 1 EACH YEAR, EACH**  
22 **public agency and nonpublic school shall submit to the Department a report [for the prior**  
23 **school year] on [the] STEPS TAKEN TO ENCOURAGE POSITIVE BEHAVIORAL**  
24 **INTERVENTIONS, INCLUDING:**

25           **(1) THE professional development provided to designated school personnel**  
26 **related to positive behavioral interventions, strategies, and supports and trauma-informed**  
27 **interventions FOR THE PRIOR SCHOOL YEAR;**

28           **(2) FOR NONPUBLIC SCHOOLS, THE POLICY CHANGES MADE TO**  
29 **FURTHER REDUCE THE USE OF SECLUSION INCIDENTS DURING THE PRIOR SCHOOL**  
30 **YEAR; AND**

31           **(3) THE POLICY CHANGES OR NEW PROFESSIONAL DEVELOPMENT**  
32 **OPPORTUNITIES DESIGNED TO FURTHER INCREASE POSITIVE BEHAVIORAL**  
33 **INTERVENTIONS AND REDUCE PHYSICAL RESTRAINT OR SECLUSION INCIDENTS IN**  
34 **THE UPCOMING SCHOOL YEAR.**



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                            **[(iii)] (3)**      Report to the Department regarding findings made under  
5 items **[(i)] (1)** and **[(ii)] (2)** of this [paragraph] **SUBSECTION**.

6            **[(4)] (D)**      **(1)**      The Department shall:

7                            (i)      Provide guidance to [public agencies and] nonpublic schools  
8 regarding the requirements of the use of seclusion and rooms for seclusion;

9                            **(II)    DEVELOP AN ACCOUNTABILITY SYSTEM TO MEASURE**  
10 **COMPLIANCE BY PUBLIC AGENCIES AND NONPUBLIC SCHOOLS WITH COMAR**  
11 **13A.08.04 AND ANY OTHER REGULATIONS ADOPTED TO IMPLEMENT THIS SUBTITLE;**

12                            **(III)    ANALYZE THE DATA AND INFORMATION COLLECTED UNDER**  
13 **THIS SECTION TO DETERMINE TRENDS AND PATTERNS IN BEHAVIORAL**  
14 **INTERVENTIONS; and**

15                            **[(ii)] (IV)**      Report to the General Assembly, in accordance with §  
16 2–1257 of the State Government Article, regarding findings and recommendations reported  
17 to the Department under this section.

18                            **(2)    (I)    IN THE REPORT REQUIRED UNDER PARAGRAPH (1)(IV) OF**  
19 **THIS SUBSECTION, THE DEPARTMENT SHALL PROVIDE DATA FOR PUBLIC AGENCIES**  
20 **AND NONPUBLIC SCHOOLS BY SCHOOL, SUBJECT TO STATE AND FEDERAL PRIVACY**  
21 **LAWS.**

22                            **(II)    THE DATA PROVIDED UNDER THIS PARAGRAPH SHALL BE**  
23 **PRESENTED IN A MANNER THAT ACCOUNTS FOR VARIATION IN ENROLLMENT**  
24 **BETWEEN SCHOOLS.**

25                            **(3)    WITHIN 30 DAYS OF SUBMITTING THE REPORT REQUIRED UNDER**  
26 **PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE DEPARTMENT SHALL PUBLISH THE**  
27 **REPORT ON ITS WEBSITE.**

28 **7–1106.**

29                            **(A)    A PUBLIC AGENCY AND THE LOCAL SCHOOL SYSTEM IN WHICH THE**  
30 **PUBLIC AGENCY IS LOCATED OR A NONPUBLIC SCHOOL SHALL SUBMIT A SYSTEMIC,**

1 EVIDENCE-BASED CORRECTIVE ACTION PLAN TO THE DEPARTMENT IF THE PUBLIC  
2 AGENCY OR NONPUBLIC SCHOOL:

3 (1) FAILS TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE; OR

4 (2) REPORTS TO THE DEPARTMENT THAT A STUDENT HAS BEEN  
5 PHYSICALLY RESTRAINED OR PLACED IN SECLUSION 10 TIMES OR MORE IN A  
6 SCHOOL YEAR UNDER § 7-1103 OF THIS SUBTITLE.

7 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
8 PROVISIONS OF THIS SECTION.

9 ~~7-1106.~~ 7-1107.

10 (A) [The] SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE State  
11 Superintendent shall [consult], IN CONSULTATION with representatives of institutions of  
12 higher education and the Professional Standards and Teacher Education Board under Title  
13 6, Subtitle 7 of this article [with respect to the], ADOPT POSITIVE BEHAVIORAL  
14 INTERVENTION training requirements for teachers [and], administrators [to ensure that  
15 sufficient training is available regarding evidence-based], BEHAVIORAL HEALTH  
16 SPECIALISTS, PARAPROFESSIONALS, AIDES, AND ANY OTHER EMPLOYEES WHO  
17 INTERACT ROUTINELY WITH STUDENTS.

18 (B) BEFORE ADOPTING THE TRAINING REQUIREMENTS UNDER SUBSECTION  
19 (A) OF THIS SECTION, THE STATE SUPERINTENDENT SHALL IDENTIFY ANY GAPS IN  
20 BEHAVIORAL INTERVENTIONS, STRATEGIES, AND SUPPORTS.

21 (C) THE TRAINING REQUIREMENTS ADOPTED UNDER SUBSECTION (A) OF  
22 THIS SECTION SHALL INCLUDE positive behavioral interventions, strategies, and  
23 supports THAT:

24 (1) ARE EVIDENCE-BASED;

25 (2) INCLUDE TRAUMA-INFORMED INTERVENTIONS AND STRATEGIES  
26 FOR DE-ESCALATION;

27 (3) REMEDY ANY GAPS IDENTIFIED UNDER SUBSECTION (B) OF THIS  
28 SECTION; AND

29 (4) ARE consistent with professionally accepted practices and standards  
30 for persons entering the field of education.

31 (D) (1) THE TRAINING REQUIREMENTS ADOPTED UNDER SUBSECTION (A)  
32 OF THIS SECTION SHALL BE THE BASIS OF A PROGRAM OF PROFESSIONAL

1 DEVELOPMENT THAT THE STATE SUPERINTENDENT SHALL SHARE WITH SCHOOL  
2 EMPLOYEES FROM PUBLIC AGENCIES AND NONPUBLIC SCHOOLS.

3           **(2) THE STATE SUPERINTENDENT SHALL ISSUE GUIDANCE ON BEST**  
4 **PRACTICES IN IMPLEMENTING POSITIVE BEHAVIOR INTERVENTION PLANS THAT**  
5 **ARE THE BASIS FOR THE PROFESSIONAL DEVELOPMENT PROGRAM.**

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
7 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.