



**Testimony before the House Ways and Means Committee
March 10, 2026**

**House Bill 1060: Primary and Secondary Schools - Petitions for Emergency Evaluation -
Requirement for Tracking and Reporting and Study**

****SUPPORT WITH AMENDMENTS****

Chair Wilkins, Vice Chair Feldmark, and Members of the House Ways and Means Committee:

NASW-MD and its Social Work in Schools Committee support House Bill 1060 and would request amendments as delineated below.

Data-driven decision making is a core ethical responsibility in the social work profession. Of highest importance, any data collected must protect the confidentiality of the client. In schools, the clients are our students, whose personally identifiable information is further protected from disclosure by federal law. The data should be targeted and limited to that which provides the most salient information that will inform its purpose. Data about the petitions for emergency evaluations conducted during the school day on behalf of Maryland's students can be used to both drive improvements in how they are conducted and illuminate training needs.

The steps by which a student may be the target of a petition for an emergency evaluation in Maryland vary by school system, since there is no consistency of policy and rule or guidance about best practice in this area. Some LEAs have qualified personnel on their staff (school social workers or clinically licensed school psychologists) who both assess the student and, if necessary, execute the petition under Maryland law. Some LEAs may employ qualified personnel, but those professionals are enjoined from moving forward when a petition may be indicated, even when they know or have a relationship with the student in question. In those LEAs, policy dictates a different path. It may require that the local mobile crisis team be summoned to conduct the assessment and determine next steps.

But if the crisis team is unable to respond, the remaining options are to reach out directly to law enforcement or to have a school staff member initiate the petition through a "lay assessment" process. The designated assessor may be a school counselor, school psychologist without clinical licensure, or an administrator who must then determine if the student has, in their opinion, a "clear disturbance in mental functioning." If such a determination is made, local law enforcement is summoned to consider if a petition is warranted. The law enforcement personnel, sometimes an SRO or school police officer, relies on the information they are provided and the observations they make and are the individual who executes the petition itself.

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In all cases where the student, regardless of age, is transported by law enforcement to the hospital, they are required by departmental policy to be handcuffed. This can be deeply traumatic to the student, who is in an emotionally vulnerable state. **We believe that the proposed work group would be in the best interest of Maryland students. As school social workers are the only MSDE-licensed educational professionals who are universally able to execute petitions for emergency evaluation, we ask that the bill be amended to include both a school social worker and a clinically licensed school psychologist on the workgroup panel.**

We have concerns with some of the data designated in the bill to be collected, compiled, reported, and distributed and request the following changes:

- In Section 1. (B)(2):
 - Delete the collection of the student's name (page 2, line 21) and add the student's GRADE. It is particularly critical that students' names not be included, for the sake of confidentiality, in a monthly report required to the county school board (see Section (C)(1)). Including grade level data sheds light on students in second grade and below for whom suspension is not an option under current state law but may be over-represented in the emergency petition data.
 - Clarify the language about the data requesting the identity of the school employee who is initiating the petition (page 3, lines 4-5). As discussed above, often employees are not initiating the petition but may only be conducting a lay assessment. In such a case, the petition itself is initiated by law enforcement. Mobile crisis teams may also initiate the petition but are not school employees. This data would be lost.
 - The outcome of the petition (evaluated, admitted, released) to be reported (page 3, lines 10-16) is not reliably accessible by school employees and is protected by HIPPA.
- In Section 1. (E)(1):
 - Replace "School" with "LEA" in the annual report to the General Assembly. The disaggregated data will be available from MDE and the LEA itself (page 4, line 18).

In looking closely at this bill, we wonder if it may be better to add to the workgroup's charge under Section 2. (b) on page 5, lines 17-19, "TO DEVELOP A MODEL POLICY ON PETITIONS FOR EMERGENCY EVALUATION IN THE REPORT TO THE GENERAL ASSEMBLY." Perhaps it should also fall to this work group to determine the salient data to collect.

We ask you to return a favorable report on this bill with the amendments we request.

Respectfully,

Gail L. Martin, MSW
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