



**Empowering People to Lead Systemic Change**

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DisabilityRightsMD.org

## **HOUSE WAYS AND MEANS COMMITTEE**

### **HOUSE BILL 1060: Primary and Secondary Schools—Petitions for Emergency Evaluation— Requirement for Tracking and Reporting and Study**

**March 10, 2026**

#### **POSITION: SUPPORT**

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of individuals with disabilities. Over the past 40 years, DRM has dedicated significant resources to representation of children with disabilities in special education matters, both individual and systemic, and to educational policy work. Additionally, DRM has a long history of representing children with mental health and behavioral disabilities. We strongly support House Bill 1060, which would require the collection of data about the use of emergency petitions by schools. When an emergency petition is filed by school staff, a school administrator will either contact the child's parent and demand that the parent pick up the child and take them to the hospital for evaluation, or the administrator will call the police, who come to the school and take the child, often in handcuffs, to a hospital emergency room for a psychiatric evaluation.

Although the emergency petition process should be initiated only in situations in which a child poses a danger to self or others because of a mental health crisis, in reality, the emergency petition process is often used in situations in which it is not warranted. Sometimes, young children are simply having a tantrum and by the time the police or the parent arrive, the child is calm but is transported to the hospital anyway. Sometimes, administrators threaten to suspend a student if the parent does not come to school to pick up and transport the child to the emergency room. Other times, school staff use the emergency petition process as a way of avoiding their responsibility to provide appropriate education and behavioral services to students with disabilities. Not infrequently, when parents bring their children to the emergency room for evaluation at the school's behest, hospital staff find no basis for the child to be admitted and send the parent and child home.

The ramifications of emergency petition use are significant. Students are traumatized by being handcuffed and placed in a police vehicle. They miss school, their parents miss work, and families may be saddled with bills for hospital use they did not want or ask for.

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DRM has twice tried to gather information about how prevalent school system use of emergency petitions is across the state. Each time, we learned that only a handful of local school systems collect information about the use of emergency petitions. We filed a Maryland Public Information Act (MPIA) request in 2024; 22 jurisdictions responded. Of those 22 jurisdictions, only eight (Allegany, Baltimore City, Baltimore County, Calvert, Dorchester, Garrett, Kent, and Somerset) provided some or all of the information requested. Because several local school systems without the requested data referred DRM to local law enforcement agencies, fire departments, and/or health departments, DRM made MPIA requests to these agencies as well; very few maintain any data, and none maintain all of the data we requested. The Maryland Department of Health responded on behalf of all local health departments and told us that neither it nor the local departments had records responsive to our request.

In 2025, based on the number of school-initiated emergency petitions we continued to observe in our representation of students with disabilities across the state, DRM again sent an MPIA request to all 24 school districts, fire, police, and local health departments, seeking the same information requested in 2024. Nineteen jurisdictions responded but only six (Anne Arundel, Calvert, Cecil, Frederick, Kent, Baltimore City) provided requested information. Curiously, Allegany and Garrett counties, which had provided all or some of the information requested in 2024, responded that they do not collect the data. Several local sheriffs offices responded with some data. The Maryland Department of Health again responded on behalf of all local health departments and told us that neither it nor the local departments had any records responsive to our request.

DRM's experience representing students who have been subjected to emergency petitions points to a number of problems, including use of the process when a student does not meet the standard for an emergency psychiatric evaluation, use of the process as a threat to parents to compel them to pick up their child even if the child does not meet the standard. We have represented young elementary school students who have not been provided with appropriate special education and related services but who have been sent to the hospital by their schools, sometimes multiple times. Additionally, over the years, we have heard that students have been transported alone to the emergency room. DRM currently represents a teen with autism and other disabilities who was transported to a hospital emergency room and left by himself when the school staff person who was with him went home because, as we were later told, it was the end of the school day and, as the school administrator later asked, what else was the staff person supposed to do? Our client's mother does not speak English, nor does she have a car; her older son had to leave work, pick her up and take her to the hospital, which was 40 minutes from their house. Our client was not admitted to the hospital.

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In late 2023, the Associated Press and the Hechinger Report published articles about the use of the emergency petition process in Wicomico County. The articles pointed out that when Wicomico County reached a settlement with the United States Department of Justice in 2017 to address racial disparities in the discipline process, the school system agreed not to misuse emergency petitions. However, despite that commitment, children were handcuffed and sent to the emergency room from schools in Wicomico at least 117 times in the year before the articles were written. At least 40 percent of the students who were emergency petitioned were 12 years old or younger and more than half were Black children; Black children represent a little more than a third of students in Wicomico County.<sup>1</sup>

But anecdotes can only tell part of the story. Passage of House Bill 1060 would enable the state to collect uniform data across all school systems to determine how extensive the use of this process is, who is subjected to emergency petitions, who is initiating the process, and to the extent known, what happens when students are emergency petitioned. Having this data in hand will enable local school system administrators and the Maryland State Department to target efforts on particular jurisdictions and will ensure a level of accountability that has been absent thus far. Collecting data about the use of emergency petitions is consistent with information already collected by the Maryland State Department of Education; the Department currently collects and reports on the use of suspensions and expulsions, school arrests, and the use of restraint and seclusion.

DRM is aware of the amendments proposed by the National Association of Social Workers-MD and has communicated with their legislative liaison. We agree that some of the language in the bill could be clearer. We do not seek the name of the school employee who is initiating the petition, for example, but we do think it is important to know the position of the person from the school who called for the assessment and the person who responded/initiated the petition. It would be helpful to know how many emergency petitions are requested by administrators. We also agree that names should not be provided to MSDE; this would address any HIPAA concerns. It would be helpful to know the outcome of the EP to the extent the school system knows. If only numbers are being reported (for example, school system reports 6 EPs and 1 child was admitted, 3 children returned to school the next day, 2 outcomes unknown...), there should be no HIPAA issues. Finally, we think it is important to begin to collect this data but we do agree that it would be helpful to have a model policy.

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<sup>1</sup> [Schools are sending kids with disabilities to ER for psych evaluations | AP News \(12/5/23, retrieved 3/5/26\)](#); [The district where 'emergency petitions' send kids to psychiatric hospitals more than three times per week \(12/5/23, retrieved 3/5/26\)](#).

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DRM is happy to work with the sponsor and anyone else with an interest in this issue to refine the bill; our goal is to have meaningful data collection so we can understand the extent of emergency petition use by schools and ensure that it is used only in situations in which students truly are in crisis and need an emergency psychiatric evaluation.

For all of these reasons, DRM strongly supports House Bill 1060 and urges a favorable report.

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