

House Bill 1060
Primary and Secondary Schools – Petitions for Emergency Evaluation-
Requirement for Tracking and Reporting and Study
Ways and Means Committee – March 10, 2026
FAVORABLE

Thank you for the opportunity to provide testimony in support of HB 1060. I am a long-time resident of Montgomery County. I am a retired Federal executive who served more than three decades working on Federal education policy at the U.S. Department of Education.

HB 1060 is aimed at addressing the lack of transparency on the use of emergency evaluation petitions that can result in the removal from school of children whose behavior may be challenging but not suggestive of a mental health issue requiring an emergency evaluation of the child.

I support House Bill 1060 because the collection and reporting of data on the use of petitions by schools for the removal of children to hospital emergency rooms will allow for much needed review of the possible misuse of the emergency evaluation authority and may disincentivize practices that are harming children.

The purpose of Maryland law authorizing the use of a petition for emergency evaluation is to facilitate the transfer to a hospital for a psychiatric evaluation of individuals who are a danger to themselves or others because of a mental health crisis. While the law addresses a legitimate need, there is reason to believe that petitions for emergency evaluation, use that is largely in the shadows, are being filed by schools to remove children who may have been disruptive or acting out of control, but who have not been identified as or suspected of having mental health problems that call for a psychiatric evaluation. For example, an independent investigation revealed that children were sent to the emergency room from Wicomico County schools about once every 100 students in school year 2022-2023. It was reported that this school district made 750 removals in 8 years.¹ **Notably, it appears that Black children and children with disabilities have been largely the subject of these removals—two populations that are also disproportionately subject to exclusionary discipline in Maryland schools.**

These removals are particularly problematic because they function like short-term suspensions without adherence to any of the applicable procedural safeguards that apply when a child is being disciplined. Moreover, not recording them as suspensions circumvents protections in Federal law for children with disabilities who are suspended for 10 or more days. In addition,

¹ M. Kolodner and A. Ma, “The school district where kids are sent to psychiatric emergency rooms more than three times a week—some as young as 5,” The Hechinger Report (December 5, 2023), <https://hechingerreport.org/widely-used-and-widely-hidden-the-district-where-kids-as-young-as-5-are-sent-to-psychiatric-hospitals-more-than-three-times-per-week/>

these emergency removals can be traumatizing and stigmatizing, especially for young children and children who are removed repeatedly, often transported by police in handcuffs.

Exclusion from school has long been a significant obstacle for children with disabilities in getting an appropriate education. Just 50 years ago more than a million children with disabilities were excluded altogether from attending public schools because of their disabilities. Despite the enactment of ground-breaking Federal legislation that was aimed at protecting the rights of these children to attend school and receive services that are individualized to meet their special needs, children with disabilities continue to be at risk of exclusion from school.

It is well-documented that children with disabilities are more likely than children without disabilities to be subject to harmful exclusionary discipline, especially children with cognitive or emotional conditions.² Data reported by the Maryland State Department of Education for school year 2024-2025 show that children with disabilities represented about 14 percent of enrollment overall but 24 percent of the children who received out-of-school suspensions.³ This disproportionality is particularly troubling because it undoubtedly reflects, in part, a failure by schools to effectively address the needs of children whose disabling conditions contribute to behavioral problems. This has been aptly described as children being hit twice.⁴

Black children are also treated more harshly than white children in many Maryland schools, especially with implicit bias at play. In school year 2024-2025 Black children were almost three times as likely to be subjected to exclusionary discipline as white children.⁵

There is no question that exclusion from school is harmful. Not only do children who have been removed from school experience a loss in instructional time, but research on children who have been suspended tells us that these children have an increased risk of academic failure, dropping out, and justice involvement.⁶ Similarly, there is a risk of serious long-term negative consequences for children who are being sent to emergency rooms because of unaddressed behavioral issues.

Maryland schools are required to report data on suspensions and expulsions each year, data that can be used by policymakers and state and local education officials to monitor the excessive use

² D. Henry and K. Rapanut, “‘Hit twice as hard’: Children with disabilities face onslaught of challenges,” CNCronkite News (August 28, 2020), <https://cronkitenews.azpbs.org/2020/08/28/children-disabilities-justice-system/>; C. James and L. Nepomnyaschy, “Childhood Disability and Serious School Discipline Among Urban Youth,” Elsevier, Inc. on behalf of the Academic Pediatric Association, *Academic Pediatrics*, Volume 25, Number 4 (May-June 2025), [https://www.academicpedsjnl.net/article/S1876-2859\(25\)00023-3/pdf](https://www.academicpedsjnl.net/article/S1876-2859(25)00023-3/pdf)

³“Suspensions, Expulsions, and Health Related Exclusions, Maryland Public Schools 2024-2025,” Maryland State Department of Education (October 2025), p.57, <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20242025Student/2025-Student-Suspension-Expulsion-Publication-A.pdf>

⁴ D. Henry (August 28, 2020)

⁵ Suspensions, MSDE (October 2025).

⁶James (2025); D. Henry (August 28, 2020)

of exclusionary discipline, particularly with subgroups of students who have historically been the subject of disproportionate discipline. However, there is no systematic collection of information on removals by emergency petitions, which means that there is a risk that there are harmful removals of children from school that are going largely undetected.

By requiring districts to provide detailed information on school removals through emergency petitions, policymakers, researchers, school officials, parents, and advocates will be much better positioned to flag flagrant violations of the rights of children, to pursue appropriate remedies, and to better meet the educational, emotional, social, and mental health needs of some of Maryland's most vulnerable young people.

For these reasons, I recommend a Favorable report on HB 1060.

Carol Cichowski