

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 920
Ways and Means

(Delegates Doory and Vallario)

**Education - Student Who Is a Victim of Violent Crime - Option to Require
Offender to Change Schools**

This bill requires that a student who is the victim of a violent crime be given the option of either transferring to another school in the county or requiring the offender to transfer to another school in the county if the violent crime occurs during a regular school day, at a school sponsored event, while in transit to or from a school or school sponsored event, or while on school grounds. The local superintendent of schools must promptly notify the victim or the victim's representative of these rights. The State Board of Education must certify in writing to the U.S. Secretary of Education that the State is in compliance with the federal No Child Left Behind Act (NCLB) with the passage of this bill. For purposes of the bill, violent crime includes a delinquent act that would be a violent crime if it was committed by an adult.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: The State Board of Education could alter current regulations to comply with this bill with existing personnel and resources.

Local Effect: Local school expenditures for student transportation could increase minimally beginning in FY 2009 if the bill results in more student transfers.

Small Business Effect: None.

Analysis

Current Law: A state that receives funds under NCLB must establish and implement a statewide policy requiring that a student who becomes the victim of a violent crime on the grounds of the school the student attends be allowed to transfer to a safe school within the same district. The State Board of Education has adopted regulations in compliance with this requirement.

Background: In effect, this bill alters two aspects of the existing State Board of Education regulations. First, it gives the victim of a violent act the option of requiring the offender to transfer schools. Under existing regulations, the victim has an option to transfer but does not have the option of requiring the offender to transfer schools. Second, the bill applies to violent acts that occur while in transit from or to school or a school sponsored event. The current regulations only apply to acts that occur during the regular school day or on the school grounds of the school that the victim attends.

According to documentation from the Maryland State Department of Education, local school systems are receiving \$231.8 million under NCLB in fiscal 2008.

Local Expenditures: Under current regulations, students who are victims of violent crimes at school may choose to transfer schools. Giving victims the option of instead requiring the offender to transfer schools may increase the total number of transfers, and could impact student transportation costs. In fiscal 2008, school systems have budgeted more than \$500 million for transportation. Any impact on local student transportation budgets is expected to be relatively minimal.

Additional Information

Prior Introductions: None.

Cross File: SB 519 (Senators Stone and Miller) – Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education, Maryland Higher Education Commission, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2008
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