

# **MAJR Testimony**

Uploaded by: Bill Carlson

Position: FAV

SUPPORT SB1032 Student Use of Force - Authorization

## MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



To: Chair Brian Feldman and Education, Energy, and Environment Committee  
From: Jennifer Zito and Bill Carlson, MAJR Executive Committee  
Date: February 26, 2024

The Maryland Alliance for Justice Reform (MAJR - [www.ma4jr.org](http://www.ma4jr.org)) support SB1032 to authorize the use of force for self-defense by students in Maryland schools. This will help to reduce the "School-to-prison pipeline."

It is unjust to discipline a student who is simply defending themselves when physically attacked on school property. SB1032 is a straightforward bill which simply calls for the school administration to conduct an investigation of such incidents and prohibit discipline if it is found more likely than not that the student used reasonably necessary force.

The report of the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, an 18-month study established by HB1287 (2017), found that (pg. 22) "The school-to-prison pipeline is facilitated through a combination of factors: ... overly harsh ... discipline policies and practices". SB1032 will reduce at least one example of the use of these overly harsh school discipline policies and practices, punishing children for their reasonably necessary self-defense.

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible, evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this important legislation and urges the committee to give SB1032 a favorable report. In addition, we also urge you to support SB917 (Restorative Practices Schools – Establishment) when it appears before your committee on March 6, as we believe that bill offers a comprehensive solution to the very real problems this bill addresses.

# **SB1032\_Public\_Schools\_Student\_Use\_of\_Force\_Authori**

Uploaded by: Cecilia Plante

Position: FAV



## **Testimony**

### **SB1032 Public Schools Student Use of Force Authorization**

**Committee:** Education, Energy, and the Environment

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, Co-lead

**Position:** FAVORABLE

I am submitting this testimony in favor of SB1032 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

A student who is physically attacked on school property or at a school activity needs to be able to protect themselves. AND the student should not be disciplined for doing afterwards.

This legislation is important as more assaults and weapons are reported at schools. An investigation by the school administration into the event, as required by this legislation, will prevent misuse of this law, and likely clear the student victim of wrongdoing.

Our coalition believes the statutes that pertain to self-defense should also apply to children and adolescents. We support this bill and recommend a **FAVORABLE** report in committee.

**DebbieCarlsonSB1032Support2.28.24-Signed.pdf**

Uploaded by: Debbie Carlson

Position: FAV

Maryland State Senate Members,

Re: Bill #SB1032 - Public Schools – Student Use of Force – Authorization

Dear Honorable Senators,

I hope this message finds you well. My name is Deborah Dolores Carlson, and I am 65 years of age and a lifelong resident of Carroll County, Maryland. I write to you today to express my deep concern about the safety of our youth in our public schools and to voice my strong support for Bill #SB1032.

As residents and adults, it is our duty and responsibility to provide a safe atmosphere and environment for students to receive an education. Currently, the law does not allow students who are being attacked to defend themselves with force without facing charges as if they were the aggressor. This means that a student who is being harmed has no choice but to endure the attack or try to flee. This is unacceptable.

If a student is put in a life-threatening situation and must use physical force to protect themselves, they should not be penalized with a behavioral record of violence. It is unjust that victims of bullying are treated the same as the bullies themselves. This policy not only endangers the lives of innocent students but also hinders their future prospects, as employers and programs may use their school behavior record against them.

Many children today are afraid to go to school due to the regularity of attacks. This fear leads to anxiety, depression, feelings of helplessness, and, tragically, even thoughts of suicide. We have the power to change this narrative by allowing students in attacked situations to defend themselves with reasonable force.

I urge you to support Bill #SB1032. By doing so, we can provide students with the tools and environment they need to succeed in life, whether that be pursuing military entrance, securing job interviews, applying to college, or engaging in community activities.

Thank you for your time and consideration of this crucial matter.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Dolores Carlson".

Deborah Dolores Carlson Westminster, Maryland 21157  
A Carroll County Maryland resident for 65 years/my lifetime.

**testimony1032.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
Annapolis, Maryland 21401

**Testimony of Senator Jill P. Carter**  
**In Favor of SB1032 – Public Schools-Student Use of Force-  
Authorization**  
**Before the Education, Energy, and the Environment Committee**  
**On February 28<sup>th</sup> 2024**

**Mr. Chairman, Vice Chair, and Members of the Committee:**

**Senate Bill 1032 aims to empower students to take reasonable action to prevent violence on school premises or during school-sponsored trips. This bill is a crucial step towards ensuring the safety and well-being of our students in Maryland.**

**I believe that Senate Bill 1032 addresses a critical need in our education system. All too often, we hear heartbreaking stories of students facing violence and feeling powerless to protect themselves or their peers. This bill seeks to change that by granting students the ability to take reasonable measures to prevent violence and protect themselves when faced with imminent danger.**

**By authorizing students to use reasonable force when necessary to defend themselves or escape an attack, Senate Bill 1032 empowers them to act decisively in dangerous situations. It is essential that our laws reflect a commitment to the safety and well-being of our students, and this bill achieves that goal.**

**The requirement for the principal or school administration to thoroughly investigate each student use of force incident is crucial for ensuring accountability and fairness. This provision will help ensure that incidents are properly reviewed and that students are not unfairly penalized for acting in self-defense.**



**The prohibition on schools from disciplining students under certain circumstances provides necessary protection for students who are simply seeking to protect themselves or others from harm. It is imperative that students feel supported by their schools when faced with threats to their safety.**

**In conclusion, Senate Bill 1032 represents a significant step forward in promoting a safe and secure learning environment for all students in Maryland. I urge the committee to carefully consider and support this vital piece of legislation.**

**Respectfully,**

**Jill P. Carter**

**RachaelCashSB1032support2.28.24.pdf**

Uploaded by: Rachael Cash

Position: FAV



Dear Senate Committee Members,

I come before you today not only as the representative of the Bee a Rae of Sunshine Foundation but as a mother who has experienced the devastating effects of bullying firsthand. My name is Rachael Cash, and I am the founder of the Bee a Rae of Sunshine Foundation in which we work on Antibullying Initiatives, Youth Mental Health Awareness, Compassion for Animals and providing Scholarships. I started this foundation in memory of our MaKenzi Rae, our Rae of Sunshine. I am here to share with you the deeply personal story behind my support for SB1032, the Student Use of Force bill.

My daughter, MaKenzi Rae Cash, was a bright and loving 14-year-old who tragically passed away in December 2022. MaKenzi was a freshman at Westminster High School in Carroll County, and she was the victim of relentless bullying. Despite her courageous spirit, the constant harassment took a toll on her mental health. She was even physically attacked by a fellow student off school grounds, which only added to her anxiety as the bullying persisted within the school walls. This added anxiety caused the doctor to switch her antidepressant which resulted in tragic consequences after only thirty days on the new medication.

MaKenzi was strong and turned the other cheek in order to not escalate the situation or get in trouble. She simply wanted to pursue her dreams, including her aspiration to join the military and become a nurse. However, the fear of unfair consequences prevented her from defending herself. It is unjust that students in our state of Maryland should fear punishment for simply protecting themselves.

The current system's imbalance of consequences gives bullies too much power over their victims. This power dynamic is exacerbated by the prevalence of social media, where videos of school fights can further traumatize victims and embolden bullies. No student should have to endure an attack without the ability to defend themselves, especially when their suffering is being broadcast for public consumption.

SB1032 is a crucial piece of legislation that would empower victims of bullying to defend themselves without facing automatic consequences. This bill not only serves as a deterrent to bullies but also gives hope to students who are currently suffering in silence. By supporting SB1032, we can create safer school environments where every student feels empowered and protected.

In honor of my daughter and in solidarity with countless other students who face bullying every day, I urge you to support SB1032. Together, we can make a difference and ensure that no student feels helpless in the face of bullying. Thank you for your time and consideration.

Sincerely,

Rachael Cash, Founder and Director of the Bee a Rae of Sunshine Foundation

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# **SB1032 - Favorable.pdf**

Uploaded by: Riya Gupta

Position: FAV



**Testimony in SUPPORT of  
Senate Bill 1032: Public Schools – Student Use of Force – Authorization**

**Education, Energy, and the Environment Committee**

**Position: Favorable**

February 28, 2024

At Strong Schools Maryland, we advocate for the faithful implementation of the Blueprint for Maryland’s Future. As a result, Strong Schools Maryland is dedicated to amplifying student voices. Students are entitled to their human rights. **Strong Schools Maryland urges a favorable vote on SB1032**, which affirms these rights by ensuring students are provided due process if they somehow get involved in a physical altercation.

Senate Bill 1032 proposes adding students to existing statute that allows a principal, teacher, security guard or other school staff to use a reasonable amount of force to defend themselves, break up a fight, escape an attack, or prevent violence. The proposed legislation protects a student from being disciplined for defending themselves physically against an attack by requiring that for any incident, there would be an investigation and a determination.

In many instances, school districts may discipline all students involved in an incident through “Zero Tolerance” policies, regardless of who started the altercation and their involvement. These same school discipline practices in the public education system have historically criminalized marginalized student groups such as Black and Brown children, students with disabilities, and Indigenous students.<sup>1</sup> To illustrate, according to research published by New York University, Black and Brown children have been historically and are currently being pushed out of schools, arrested, and face physical violence at a disproportionate rate despite the fact that these students do not misbehave any more than their white counterparts.<sup>2</sup> In Maryland specifically, students of color comprised 78% and students with disabilities comprised more than a quarter of our total number of suspensions and expulsions during the 2022–2023 school year.<sup>3</sup> At the bare minimum, this proposed bill allows students to receive due process that prevents them from being over-criminalized for protecting themselves or others.

The end goal of the Blueprint for Maryland’s Future is a World-Class public school system that is a safe, non-punitive learning environment that actively utilizes restorative practices. While we work towards that goal, we must deconstruct the rules and regulations that have over-penalized and over-criminalized students without thorough due process.

**For these reasons, we urge a favorable report on Senate Bill 1032.**

*For more information, contact Riya Gupta at [riya@strongschoolsmaryland.org](mailto:riya@strongschoolsmaryland.org)*

<sup>1</sup> [Police in Schools Continue to Target Black, Brown, and Indigenous Students with Disabilities](#)

<sup>2</sup> [The Education Justice Research and Organizing Collaborative](#)

<sup>3</sup> [Suspensions By School and Major Offense Category, Maryland Public Schools, 2022 - 2023](#)

**Tibbals\_ SUPPORT SB\_ 1032\_HB 1400\_ Public Schools**

Uploaded by: Trudy Tibbals

Position: FAV

**SB: 1032/**HB 1400: Public Schools - Student Use of Force -  
Authorization: Please SUPPORT this bill!!

Dear Education, Energy & Environment Chair Feldman, Vice Chair Kagan, and all other esteemed Committee Members:

I strongly urge you to SUPPORT this bill!!

Public Schools have become a dangerous place to attend in today's world. There is bullying, both verbal and physical, as well as physical fights that break out daily in some schools. Thank God we have our SROs (Student Resource Officers) in our public schools. SROs have saved countless student lives across the country.

Sadly, though, sometimes SROs could arrive too late. SROs are assigned to more than one school, so, unfortunately, they cannot be in every school at all times. Sometimes, sadly enough, students must try to defend themselves from physical fights and attacks.

That is where this bill becomes not only relevant but **necessary**. The bill states: "FOR the purpose of authorizing a student to take reasonable action necessary to prevent violence...including intervening in a fight or physical struggle that takes place in his or her presence, whether the fight is among students or other individuals." This bill allows students to prevent violence from occurring, which could be a huge safety factor, as well as a deterrent for individuals from initiating fights. It also states "...authorizing a student to use reasonable force necessary to protect themselves or escape an attack...The degree and force of the intervention may be as reasonably necessary to prevent violence, restore order and to protect the safety of the combatants and surrounding individuals." A very vital part of this bill allows students to defend themselves or escape an attack as the situation dictates and as the need arises, which is **vital** to the safety of the students. This way students can defend themselves and protect nearby individuals from getting severely hurt. This bill also states "...requiring the principal or school administration to investigate each student use of force incident..." Another great part of this bill is that it also requires school administrators to investigate each reported incident, so that the facts of the incident can be determined. This bill also states "...prohibiting a school employee from disciplining a student under certain circumstances..." And lastly, this bill prohibits any school personnel from disciplining the involved students who have used necessary force to defend and protect themselves and anyone else

in danger from an incident. This is very important, so that students know that they will not be wrongly punished for defending and protecting themselves and any bystanders that are close to the occurrence.

This is a very comprehensive bill that allows students to protect themselves and anyone nearby that might be in danger from a violent occurrence, as well as protects the students from being punished for such necessary actions. We cannot be too safe with our students, teachers, support personnel, and administrators, as well as any visitors to our schools. Our number one concern for and responsibility to anyone inside any public school building is to keep them safe. This bill will allow the State of Maryland to live up to that responsibility.

Thank you for your courtesy and cooperation in SUPPORTING this very important legislation.

Trudy Tibbals  
A Very Concerned Mother and Maryland Resident



# **SB 1032 Use of Force LOO.pdf**

Uploaded by: Dr. Carey Wright

Position: UNF

**TO:** Senate Committee on Education, Energy, and the Environment

**BILL:** SB 1032 – Public Schools – Student Use of Force - Authorization

**DATE:** February 28, 2024

**POSITION:** Oppose

The Maryland State Department of Education (MSDE) and the Maryland State Board of Education (State Board) respectfully oppose Senate Bill (SB) 1032 - *Public Schools – Student Use of Force - Authorization*. SB 1032 amends Section 7-307 of the Education Article to add “student” to the list of school system personnel in public schools, which currently includes the principal, teacher, and school security guard, that may take reasonable action necessary to prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his or her presence, whether the fight is among students or other individuals. Additionally, SB 1032 stipulates that a student who is physically attacked on school property during school hours may use “force reasonably necessary” to protect themselves or escape the attack. The principal or school administrator is required to investigate each use of force incident and a school employee *may not discipline a student who is found to have “more likely than not” used force consistent with this bill.*

### Concerns

The inclusion of a student in the list of school system personnel authorized to take reasonable action to prevent violence on school premises or during a school-sponsored trip could potentially create liability issues for Local Education Agencies (LEAs). This risk could be particularly high if a student, lacking proper training, or another individual were to sustain injuries while intervening in a violent situation. Moreover, empowering a student to take such action could place them in a precarious situation, potentially leading to retaliation from students involved in the disruptive incident.

Further, it is not the responsibility of a student to determine what is “reasonable action necessary” to prevent violence. The responsibility of maintaining a safe learning environment for students lies with the principal, school administrators, teachers, and school security personnel. School administrators routinely investigate physical attacks on school property, adhere to due process procedures, and apply disciplinary action in accordance with the Maryland Guidelines for State Code of Discipline and LEA codes of discipline. During the investigation of an incident, it may be challenging to determine whether a student used “force reasonably necessary” to protect themselves, or whether they used force in a manner inconsistent with this bill. For instance, in the case of a fight, it might be determined that both individuals share responsibility for the disruption and therefore, both are subject to disciplinary action.

**Current Activities**

MSDE provides support and guidance for LEAs on alternative disciplinary approaches. This is achieved through collaborative partnerships with expert organizations such as the Center for Dispute Resolution at the University of Maryland (C-DRUM). Currently, MSDE is engaging in monthly collaborations with LEA leaders specializing in restorative practices and anti-bullying initiatives. MSDE has published several documents to guide LEAs towards a more restorative approach to student discipline. These include *The Maryland Guidelines for a State Code of Discipline*, *Maryland's Model Policy on Bullying, Harassment, and Intimidation*, and *A Trauma-Informed Approach for Maryland Schools*.

The Department and the State Board respectfully request that the committee consider this information on **SB 1032**. Please contact Dr. Akilah Alleyne, Executive Director of Government Affairs, Education Policy, and Government Relations, at [Akilah.alleyne@maryland.gov](mailto:Akilah.alleyne@maryland.gov) or at 410-767-0504 or Zach Hands, Executive Director of the State Board, at [Zachary.hands1@maryland.gov](mailto:Zachary.hands1@maryland.gov) or at 443-915-6094, if you would like any additional information.

# **Written Testimony SB 1032 EdwardsLuce.pdf**

Uploaded by: Aubrey Edwards-Luce

Position: INFO

## **Informational Only SB 1032**

Public Schools - Student Use of Force – Authorization  
Testimony of Aubrey Edwards-Luce, Esq., MSW  
Wednesday, February 28, 2024  
Senate Education, Energy, and the Environment

Senator Feldman, Vice-Chair Kagan and Members of the Committee:

I am the Executive Director of the Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities in all that we do to work towards transforming systems that create barriers to family well-being. CFCC respectfully provides the following informational testimony relating to **SB1032**.

In formulating our testimony, CFCC has involved the perspectives of the Baltimore City Public School students enrolled in our Tackling Chronic Absenteeism Project (TCAP). TCAP is a holistic, restorative, voluntary program for elementary, middle, and high school students. The overarching goal of the TCAP is to reduce chronic absenteeism by reconnecting students and their families with their schools and to break the school-to-prison pipeline for vulnerable and at-risk youth. The program employs a team-based, holistic approach that encompasses mentoring, continual and consistent follow-up and oversight, tutoring, social services and referrals, and legal guidance and referrals.<sup>1</sup>

The TCAP students overwhelmingly supported the goal of SB 1032, which we understood as prohibiting school from disciplining student victims of violence when they use reasonable force to protect themselves from a physical attack. In the context of restorative circles, multiple TCAP students recounted instances of being the victim of student violence and then receiving a detention or suspension alongside the students who were attacking them. Students identified these practices as unfair. These practices can lead to students receiving punishment at home as well, creating unintended consequences for victim-students beyond the school walls.

The elementary and middle school students who shared their thoughts on SB1032 were confused about the impact of the bill's changes to Section 7-307, which allows students to use reasonable action necessary to prevent violence including intervening in a fight. SB 1032 permits student to intervene in school violence, but the bill does not ban schools from punishing students who intervene. Nor does the bill require schools to investigate students who intervene in school violence. Based on our experience, schools will use their discretion to decide whether to punish students who intervene in school violence. This discretionary decision point is an

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<sup>1</sup> The TCAP program supports families to obtain essential needs and referrals to services to help reduce the barriers that keep children and families from engaging in and attending school. Based on a trauma-informed approach that incorporates legal, psychosocial, and social service expertise, the TCAP Team (a volunteer Judge, Mentor, Coordinator, Attorney, and Case Manager) works to reduce social, emotional, economic, and environmental barriers to a student's education and to develop and capitalize on each student's connections to their family, school, and community. All students receive: one-on-one weekly conversations with a judge, mentoring, parent/caregiver outreach, case management services, and resource referrals, as needed. In addition, the TCAP Case Manager provides resources, referrals, and case management services, and the TCAP Attorney provides legal services, advocacy, and guidance, as needed, to all families whose children participate in the TCAP. The TCAP Mentor provides individual mentoring, reaches out to every family each week, and facilitates restorative circles during weekly sessions. Volunteer tutors from the University of Baltimore community are recruited and trained, who provide academic support both during the weekly sessions, as well as virtually, if requested.

CFCC has been operating the Tackling Chronic Absenteeism Project for more than 19 years. During that time, the TCAP has worked in Baltimore City, Baltimore County, Anne Arundel County, and Montgomery County; however, the primary focus has always been in Baltimore City. The TCAP is funded through grants from state and federal agencies, as well as private foundations, so we can provide the program to schools at no-cost.

opportunity for intrapersonal biases to influence decision-making. We are concerned that Black and Hispanic students as well as students with disabilities and male-presenting students who intervene will be punished disproportionately. We recommend that SB1032 be amended to require principals and school administration to:

1. investigate whether a student was intervening pursuant to section 7-307; and
2. track and report the demographic data of students who are punished after intervening.

TCAP students also noted some implementation challenges to the investigation that would be required if SB 1032 were enacted. First, students noted that while investigations are necessary to ensure that victims are not being unfairly punished, many instances of intra-student violence begin with conflict, harassments, and threats that occur days and sometimes weeks before a physical altercation. The students seemed concerned about schools' ability and commitment to conducting thorough investigation of each fight. At the same time, students were concerned that lengthy investigations might prolong animosity between students.

The TCAP students' reflections on SB1032 caused me to examine what I have learned about child safety and legislatively mandated investigations. In my decade plus of child welfare legal practice and policy advocacy, I have learned that legislatively mandated investigations change the dynamics of a situation. Investigations turn concerned parents into "unreliable informants" and frightened children into "uncompliant witnesses." Black and Hispanic Marylanders are especially at risk of falling prey to this type of biased characterization.

We join students in their condemnation of the practice of subjecting victims of violence to exclusionary discipline. Additionally, as a program that has championed restorative practices in schools for over 19 years, we believe that restorative practices can produce positive outcomes that punitive responses fall short of. We see schools as the perfect venue to teach students how to respond to instances of violence in a way that heals victims, teaches offenders how to repair the harm they have caused, and rebuilds a sense of community and safety. We recommend that SB1032 be amended to help Maryland schools move towards utilizing restorative responses to intra-student violence by changing the school codes of conduct to require principals or school administration to prioritize equity, being trauma-informed, developmental appropriateness, restorative justice when making disciplinary decisions after instances of intra-student violence.