

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1400
Ways and Means

(Delegate Tomlinson, *et al.*)

Public Schools - Student Use of Force - Authorization

This bill authorizes students to 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 the student's presence, whether the fight is among students or other individuals. Additionally, the bill authorizes students who are physically attacked on school property during school hours to use force reasonably necessary to protect themselves or escape the attack. The principal or school administration must investigate each incident in which a student uses force as specified, and school employees may not discipline a student who, after the investigation, more likely than not used force in an authorized manner. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: Local school systems can update codes of conduct and investigate incidents as necessary with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law:

Violence Prevention/Intervention by School Employee

A principal, teacher, school security guard, or other school system personnel in any public school 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. The degree and force of the intervention may be as reasonably necessary to prevent violence, restore order, and protect the safety of the combatants and surrounding individuals. If the individual taking preventive action is hurt, (1) the county board must compensate the individual for any necessary medical expenses that are a direct result of the preventive action or intervention and (2) the individual may not lose any compensation for any time lost from school duties as a direct result of the individual's preventive action/intervention, subject to a potential reduction in compensation because of payments made under the Maryland Workers' Compensation Act.

In any suit, claim, or criminal charge brought by a parent or other claimant of one of the combatants against the preventer/intervening individual because of the preventive action or intervention, the county board (1) must provide legal counsel for the preventer/intervening individual or may provide reimbursement for the reasonable expenses of the legal defense of any criminal charge if the county board considers it appropriate and (2) must save the preventer/intervening individual harmless from any award or decree against the individual.

Discipline Guidelines

The State Board of Education must establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards. The guidelines were last updated in 2014. In December 2018, the board established a Task Force on Student Discipline Regulations to review the guidelines and regulations. The task force issued its [final report](#) in August 2019, but no changes to the regulations or guidelines were made as a result.

The State board must also (1) upon request, provide technical assistance and training to local school boards on the use of restorative practices and (2) assist each local school board with implementing the guidelines. Each local school board must adopt regulations designed to create and maintain within schools the atmosphere of order and discipline necessary for effective learning. The local regulations must state that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational. They must also provide for educational and behavioral interventions, restorative approaches, counseling, student and parent conferencing, and alternative programs.

Additional Comments: The Maryland State Department of Education advises that the bill may pose additional liability risks to local school systems, particularly to the extent that students, without proper training, were to cause injury to themselves or other individuals as a result of intervention.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 1032 (Senator Carter) - Education, Energy, and the Environment.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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