

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 995
Ways and Means

(Delegate Petzold)

Education - Protection for Victims - Duties of Local Superintendent

This bill requires a local superintendent of schools to take actions to ensure the safety of a student who has been the victim of actual or threatened physical or emotional harm from another student at the school. In some cases, these actions include the transfer of the offender or the victim to another school in the system. By October 1, 2006, the State Board of Education must adopt regulations to: (1) ensure that information obtained by a superintendent is transmitted only to the appropriate school personnel; (2) ensure that information obtained by a superintendent is used to maintain a safe school environment and to provide appropriate educational programs to students; and (3) require that a local superintendent consider the interest of a victim.

The bill takes effect July 1, 2006.

Fiscal Summary

State Effect: The State Board of Education could adopt the required regulations with existing resources.

Local Effect: Local school expenditures for student transportation could increase significantly beginning in FY 2007 due to potential increases in the number of student transfers.

Small Business Effect: Minimal.

Analysis

Bill Summary: If an offender has either a court order or an agreement from an informal adjustment by an intake officer that prohibits the offender from having contact with a victim, the local superintendent, at the request of the victim, must transfer the offender to another school, transfer the victim to another school, or take any other action necessary to protect the safety and security of the victim and the student body.

If an offender does not have a no-contact order or agreement with the victim, the local superintendent, at the request of the victim, must consider the safety and security of the students enrolled in the offender's school, hold a hearing to allow the victim and offender to provide information about the incident, and give priority consideration to the victim's position. A local superintendent may transfer an offender to another school in this situation.

If an offender is adjudicated and found not guilty or not delinquent, the local superintendent must hold a hearing on the incident, reevaluate any transfer of the victim or offender, and take any reasonable action necessary to maintain a safe school environment.

Current Law: Each local board of education must adopt regulations designed to create and maintain within the schools under its jurisdiction an atmosphere of order and discipline necessary for effective learning. Regulations adopted in response to the federal No Child Left Behind legislation require a local school system to allow a student to transfer to another school within the district if the student is the victim of a violent offense during the regular school day or while attending a school-sponsored event at the school. The required transfer must occur in a timely manner following the offender's conviction or adjudication of delinquency.

Background: Chapter 547 of 2005 requires local school systems to collect information about incidents of intimidation and harassment in schools and to send the information to the Maryland State Department of Education (MSDE) for compilation. MSDE must report annually on the number and type of incidents. As a new initiative, reports from MSDE about the frequency of these incidents are not yet available.

MSDE suspension data show that, in the 2004-2005 school year, there were approximately 12,400 suspensions that resulted from attacks or threats of students, 20,500 suspensions for fighting, and 1,500 suspensions for sex offenses.

Local Fiscal Effect: The bill expands the situations in which a victim may request a transfer to another school and establishes a formal mechanism for a victim to request that

an offender be transferred. This is likely to increase the number of students who are transferred to different schools and increase student transportation costs for local school systems. The additional costs cannot be reliably estimated but could be significant in some school systems.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2006
mll/rhh

Analysis by: Mark W. Collins

Direct Inquiries to:
(410) 946-5510
(301) 970-5510