

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 576 (Senator Salling)  
Education, Health, and Environmental Affairs

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Student Victim of Violent Crime - Option to Transfer or Require Offender to Transfer Schools

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This bill requires that a student who is the victim of a violent crime be given the option of either transferring to another public school in the county *or* requiring the offender to transfer to another public school in the county (unless the offender is expelled), 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 with current State regulations (COMAR) and the passage of this bill, the State is in compliance with federal unsafe school choice policy requirements. 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 State board must adopt regulations necessary to carry out the provisions of the bill. **The bill takes effect July 1, 2019.**

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Fiscal Summary

**State Effect:** None. The State Board of Education can adopt required regulations using existing resources.

**Local Effect:** Local school system expenditures for student transportation increase minimally beginning in FY 2020, assuming that the bill results in an increase in student transfers.

**Small Business Effect:** None.

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## Analysis

**Bill Summary/Current Law/Background:** A state that receives funds under the federal Every Student Succeeds Act must establish and implement a statewide policy requiring that a student attending a persistently dangerous public school or who becomes a victim of a violent crime in or on the grounds of the school the student attends be allowed to transfer to a safe school within the same local school system; and must certify compliance in writing to the U.S. Secretary of Education. According to *Education Week*, as of November of 2018, the U.S. Department of Education is planning to study state implementation of these provisions of federal law.

In effect, the bill alters two aspects of existing State regulations. First, it gives the victim of a violent crime 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, in addition to current regulations that apply to acts that occur during the regular school day or on the school grounds of the school that the victim attends, the bill applies to violent crimes that occur *while in transit* from or to a school or school sponsored event.

COMAR requires each local school system to allow a student attending a public elementary or secondary school to attend a safe public elementary or secondary school within the school system if the student attends a persistently dangerous public school or is a victim of a violent criminal offense during the regular school day or while attending a school sponsored event in or on the grounds of a public school that the student attends.

Per COMAR, the local school system must effectuate a transfer in a timely manner following either the designation of a school as persistently dangerous or conviction of or adjudication of delinquency of the perpetrator of a violent criminal offense. To the extent possible, the local school system must allow a student to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. COMAR also requires the Maryland State Department of Education (MSDE) to maintain a list of persistently dangerous schools.

**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. Based on MSDE's 2016-2017 *Selected Financial Data* report, in fiscal 2017, school systems expended \$620.6 million for student transportation. Any impact on local student transportation budgets is expected to be relatively minimal.

## **Additional Information**

**Prior Introductions:** Senate Bill 519 of 2008 received an unfavorable report following a hearing in the Senate Committee on Education, Health, and Environmental Affairs.

**Cross File:** None.

**Information Source(s):** Anne Arundel County Public Schools; Baltimore City Public Schools; Montgomery County Public Schools; Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of Juvenile Services; Department of State Police; *Education Week*; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2019  
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