

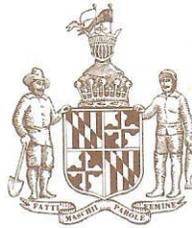
DANIEL L. COX
Legislative District 4
Frederick and Carroll Counties

Judiciary Committee

Subcommittees

Family Law

Public Safety



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 19, 2020

HB 802 Civil Actions – Civil Immunity – Educator Intervention in Student Violence
(Good Teacher Protection Act)

Dear Chair Clippinger, Vice-Chair Atterbearly and members of the committee:

Under Maryland case law, *Duncan Jr. (infant) v. Demitrios Koustenis (teacher)*, 260 Md. 98 (Dec. 11, 1970), teachers are not afforded the sovereign immunity of the State of Maryland because they do not qualify as a “public official”, and may be sued as “a professional contract employee of the State”.

State law passed in 1991, Md. Code Education Article 7-307, provides for the authority of teachers to intervene in fights, receive compensation for injuries related to such intervention, and receive legal counsel and state indemnification for a suit, claim or criminal charge brought by a parent or claimant but only if the county school board considers it appropriate, and in that instance, shall also pay for any damage award against the teacher.

Federal law, the Coverdell Act, provides for teacher immunity to establish order in the school classrooms for every state that accepts federal dollars for its education, but only a handful of states have actually established by court decree or statute the boundaries of any such immunity. Maryland has not yet established those boundaries and as such, the case law allowing for civil lawsuits against teachers is still the precedent in Maryland.

News outlets and social media posts are replete with incident after incident of school fights – from elementary level through high school. Teachers in too many schools are facing challenges that quite frankly, they didn’t sign up for.

A teacher should not need to worry about personal liability when intervening in a small scuffle or a school wide brawl. Teachers should not have to worry that they will be sued if they stop one student from inflicting harm to another.

If a teacher is worried about the legal consequences of using prudent, reasonable actions to de-escalate a fight, the fight is going to get worse and possibly result in injury. Ultimately, the classroom environment will suffer to the point that meaningful teaching will longer be possible.

We have it in our power to lessen one burden on our teachers; give teachers immunity from civil liability if they are acting in good faith to protect our children from harm as a result of a school-house fight.

We need to restore common sense to maintaining classroom order and I believe that the Good Teacher Protection Act will do that and I request a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Cox", with a large, sweeping flourish extending to the right.

Dan Cox