

Franca Muller Paz Testimony HB 137 Civil Immunity

Uploaded by: Franca Muller

Position: FAV

**Written Testimony from Franca Muller Paz, Baltimore City Public Schools Teacher,
District 45**

Testimony in Support of House Bill 137

Civil Actions - Civil Immunity - Educator Intervention

House Judiciary Committee

March 23, 2023

1:00pm

Position: FAVORABLE

To the Senate Judicial Proceedings Committee:

My name is Franca Muller Paz and I am writing in support of HB 137, legislation that would protect administrative, educational, and school support staff from civil liability for personal injury or property damage claims that may arise from their response to altercations in the attempt to keep children safe.

I am in my 13th year of teaching and in my 10th year as a Spanish teacher in Baltimore City Public Schools. I am also the elected Building Representative at my school.

As a Building Representative, I often have to tell teachers a sad truth, that when they observe a fight, that they are not protected if they try to interfere. Therefore, they shouldn't get involved because they will have no legal protections.

I have NEVER listened to this advice, because I can't. When you see two students harming each other, it is instinct, you have to protect them both. I could not live with myself, if I stood by and watched young people violently hurt one another.

I also want to share the story of a fellow teacher at my school. Here are his words:

"I am in my 24th year of teaching and in my 19th year as a teacher at Baltimore City College. I am also a relatively large man, and I have unfortunately needed to use my size at times to protect students from each other. Physical altercations occur at all schools, and when these occur between adult-sized high school students, significant damage can be done. Last year, I witnessed one such altercation as I left the building. Our school police officer was already working to split up one part of a large fight, and I saw that I was the only adult in the vicinity who was willing to intervene as two students fought on the pavement. Years ago, a student's head slammed to the ground during a physical altercation a few rooms down from me, resulting in a significant TBI. This crossed my mind as I immediately worked to separate the two individuals. Fortunately, I

was able to pull them apart from each other and once they were separated, another adult was willing to get involved and talk to one student while I walked the other away. No one ended up being significantly hurt on this occasion, and I am glad that I was able to intervene to help keep our students safe.”

I have worked at an alternative school where fights took place daily & now, I am at a much more peaceful place where fights only take place on rare occasions. Every time I have intervened, putting my body on the line to protect OUR kids, I have needed to assume that legal risk, but I deserve to be protected. For these reasons, I respectfully urge the Committee to issue a favorable report on SB137.

Sincerely,

Franca Muller Paz
BCPSS Teacher and BTU Building Representative
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Notes:

FINAL HB137 Civil Immunity - Educator Intervention

Uploaded by: Grace Wilson

Position: FAV



HB137 CIVIL ACTIONS – CIVIL IMMUNITY – EDUCATOR INTERVENTION

March 23, 2023

JUDICIAL PROCEEDINGS

SUPPORT

Grace Wilson, Legislative & Policy Specialist (410.440.1758)

Anne Arundel County Public Schools (AACPS) supports **HB137 Civil Actions – Civil Immunity – Educator Intervention**. This bill provides that a staff member of a school, acting in an official capacity, is not civilly liable for personal injury or property damage resulting from intervention in a student altercation or other student disturbance if the staff member intervened in a reasonably prudent manner and the actions taken do not constitute grossly negligent, willful, wanton, or intentionally tortious conduct.

It is AACPS' expectation that school staff will intervene in altercations involving students in an effort to ensure that these situations are diffused quickly with the hope that none of the involved parties is injured. Also, we expect staff to intervene in any incident involving a student which could potentially lead to harm to the student, other students, or staff. Sometimes students may be injured during this process or the student's personal property may be damaged. The safety of students and staff is of paramount concern to AACPS and this legislation would serve to protect staff from civil liability for intervening in altercations involving students so long as the staff member was acting in a reasonably prudent manner and the actions taken to not constitute grossly negligent, willful, wanton, or intentionally tortious conduct.

Accordingly, AACPS respectfully requests a **FAVORABLE** committee report on HB137.

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Uploaded by: Christian Gobel

Position: INFO

Informational Testimony regarding House Bill 137 Civil Actions – Civil Immunity – Educator Intervention

**Senate Judicial Proceedings Committee
March 23, 2023**

**Christian Gobel
Government Relations**

The Maryland State Education Association offers this informational testimony on House Bill 137. HB 137 grants civil immunity to administrative, educational, or support staff of any public, private, or parochial school from civil actions claiming personal injury or property damage resulting from an intervention in an altercation between students or other student disturbance. In order to receive the protection of civil immunity, the administrative, educational, or support staff member must: i) be acting in an official capacity, ii) intervene in a reasonably prudent manner, and iii) the intervening action must not constitute gross negligence, willful, wanton, or intentionally tortious conduct. MSEA believes that current statutory protections are sufficient to protect teachers from unwarranted liability in situations where an educator intervenes to restore order.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Under extant Maryland law, public school educators, among other school personnel, are permitted 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 his or her presence, whether the fight is among students or other individuals.”¹ If a suit, claim, or criminal charge is brought by a parent or other claimant on behalf of the combatant against an educator, or other school personnel

¹ MD Code, Education, § 7-307(a)(1).

member, because of the preventative action or intervention then the school board must provide legal counsel for the educator or other school personnel member named in the action.² Alternatively, in the event of a criminal charge if the county board deems it appropriate, they may provide reimbursement for the reasonable expenses of the legal defense.³ Additionally, the county board must save the educator, or other school personnel member, harmless from any award or decree issued against him or her.⁴

Moreover, an employee of a county board of education is not personally liable for damages resulting from a tortious act or omission, so long as the employee was acting within the scope of their employment, and they acted without malice and gross negligence.⁵ MSEA believes these statutory protections are sufficient to protect an educator from unjustified liability where the educator acts reasonably in the scope of their employment to intervene in an altercation or other disturbance with the aim of preventing potential harm to students and other individuals.

² MD Code, Education, § 7-307(c)(1).

³ *Id.*

⁴ MD Code, Education, § 7-307(c)(2).

⁵ MD Code, Courts and Judicial Proceedings, § 5-518(e).