

SB 927.Assault on Educator .pdf

Uploaded by: John Woolums

Position: FAV

BILL: Senate Bill 927
TITLE: Criminal Law – Crime of Violence – Second Degree Assault of a School Employee or Subcontractor (School Assault Reduction and Prevention Act)
DATE: March 5, 2024
POSITION: SUPPORT
COMMITTEE: Judicial Proceedings
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports Senate Bill 927 to add the crime of assault on school employees to the criminal code. The safety of our devoted educators and staff is a high priority for all local boards of education. MABE supports this bill in order to enhance the tools available to prosecute offenses against our teachers and other employees.

All local boards of education value the essential role of the educators and staff persons who work for the public school system as the keys to educating and meeting the needs of our students. Therefore, MABE has consistently supported efforts by the General Assembly to assist local school systems in addressing the critical shortages of highly qualified teachers, principals, and other staff in every school and the classrooms of all students across the State. At this time, Maryland is experiencing critical shortages across all of the educational and related services professional fields; a critical shortage of the staff needed to deliver and support student learning and to administer schools as educational leaders. School “climate” and teaching conditions are often cited as sources of concern when the teacher shortage is discussed. Clarifying that the crime of assaulting an educator is specifically included in the law should contribute to greater awareness and ideally modify behaviors regarding this troubling behavior.

Local boards firmly believe that the role of a full complement of qualified staff, including large numbers of new teachers, will be pivotal to the successful implementation of Blueprint for Maryland’s Future. The Blueprint features major expansions of full-day prekindergarten, student behavioral health services, college readiness courses, and career and technical education programs. Passage of Senate Bill 927 could contribute to advancing the statewide effort to recruit, educate, and retain the professional educators essential to meet these objectives.

For these reasons, MABE requests a favorable report on Senate Bill 927.

02.29.24 LOS SB 0927 Joint.pdf

Uploaded by: Terry Hale

Position: FAV

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County Executive

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CECIL COUNTY GOVERNMENT
Cecil County Administration Building
200 Chesapeake Boulevard, Elkton, MD 21921

February 29, 2024

The Honorable William C. Smith, Jr.
The Honorable Jeff Waldstreicher
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: SB 0927 – Criminal Law - Crime of Violence - Second Degree Assault of a School Employee or Subcontractor (School Assault Reduction and Prevention Act)
Letter of Support

Dear Chairman Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee:

The County Council and the County Executive of Cecil County unanimously support SB 0927 - Criminal Law - Crime of Violence - Second Degree Assault of a School Employee or Subcontractor (School Assault Reduction and Prevention Act). The hearing on this legislation is scheduled on March 5, 2024.

It is our understanding that this legislation is establishing second degree assault of an employee or a subcontractor of a public or private elementary or secondary school as a crime of violence for certain purposes.

Cecil County has growing concerns about the safety of both our students and employees in the school environment and this bill will ensure accountability.

The County Executive and County Council of Cecil County respectfully request that the Judicial Proceedings Committee send a favorable report on SB 0927.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hornberger".

Danielle Hornberger
County Executive

A handwritten signature in blue ink, appearing to read "Jackie Gregory".

Jackie Gregory
President of County Council

SB 927 School Assault Reduction and Prevention Act

Uploaded by: Prince George's County Board of Education

Position: FWA



PRINCE GEORGE'S COUNTY BOARD OF EDUCATION

Jonathan Briggs, M.Ed. MLS, Board Member, District 2 | jonathan.briggs@pgcps.org
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TO: Ways and Means and Education, Energy, and the Environment,
and Judicial Proceedings

FROM: Policy and Governance Committee

DATE: March 4, 2024

SUBJECT: Bills the Prince George's County Board of Education Supports,
Supports with Amendments and Opposes - Week of March 4,
2024

Overview

This memo aims to give insight into the bills that the Board of Education in Prince George's County supports, opposes, or backs with amendments for the week of **March 4, 2024**. It also explains how each bill aligns with the [Board's Legislative Platform for 2024](#). In addition, the memo provides specific notes or amendments for each bill, if applicable. This list is not exhaustive and identifies bills we consider to be high-impact.

PGCPS Board Positions:

The Board **supports and supports with amendments*** the following bills:

- 1) [SB 927/HB 758](#) - Criminal Law - Crime of Violence – Second Degree Assault of a School Employee or Subcontractor (School Assault Reduction and Prevention Act)
- 2) [HB 1115](#) - County Boards of Education - Budget - Notice (Transparency in Education Spending Act)*
- 3) [HB 1385](#) - Early Childhood Education - Prekindergarten Providers - Resident and Conditional Teaching Certificate

The Board **opposes** the following bills:

- 1) [SB 0980](#) - Education - Computer Science – Content Standards and Requirements
- 2) [HB 1400](#) - Public Schools - Student Use of Force - Authorization
- 3) [HB 1418](#) - Public Middle and High Schools - Start Time for Instruction - Requirement
- 4) [HB 1455](#) - Public Prekindergarten and Child Care Providers - Wavier Action Plan and Assistance Hubs

Please consult Appendix A.1 for detailed information on the Board's stance and supplementary remarks on supported bills, and refer to Appendix A.2 for further information on the Board's position and additional notes regarding the bills that the Board opposes.



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PGCPS Board Support/Oppose Rationale:

The Board decides whether to support or oppose bills based on how well they align with its legislative platform. If a bill will help the board and school district address student, teacher, and school needs without adding unfunded mandates, for example, it will receive the board's support. However, some of the bills presented to the General Assembly this week include prescriptive curriculum mandates that the Board believes are inappropriate for legislators to impose. The subsequent charts provide more detailed information about these specific priorities.

Conclusion

Please take note of the following reasons why the Board requests your consideration for our support or opposition to the bills listed below. We appreciate your review of our recommendations and are always available to answer any questions. You may contact any of the following: Jonathan Briggs, Policy and Governance Chair (jonathan.briggs@pgcps.org); Robin Welsh, Director, Office of Government Relations (robin.welsh@pgcps.org); or Shelby McRae, Administrator, Office of Government Relations (shelby.mcrae@pgcps.org). Thank you.



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Appendix

A.1 - Bills P&G Supports and Supports with Amendments*

#	Bill Number/Name	P&G Platform Priority	Bill Purpose	Note
1.	SB 927/HB 758 - Criminal Law - Crime of Violence – Second Degree Assault of a School Employee or Subcontractor (School Assault Reduction and Prevention Act)	School and Community Safety	Establishing second-degree assault of an employee or a subcontractor 6 of a public or private elementary or secondary school as a crime of violence for certain 7 purposes and generally relating to crimes of violence.	Aligns with Legislative Platform regarding legislation that supports a safe learning and work environment.
2.	HB 1115 - County Boards of Education - Budget - Notice (Transparency in Education Spending Act)*	Local School Board Authority	Requiring the State Board of Education to adopt a process for the uniform and timely reporting of certain county board of education budget information to a county governing body; requiring a county board to post certain information in a certain manner on the county board's website; requiring that a transfer between major categories of more than 1% of the total funding in a major category shall be made only with the approval of the county council.	PGCPS supports transparency regarding the budget and expenditures; however, we recommend that the bill be amended to increase the transfer from 1% to 15% of the total funding in a major category, which requires the county council's approval.
3.	HB 1385 - Early Childhood Education - Prekindergarten	Staffing and Recruitment	Requiring the State Department of Education to establish a resident early childhood teaching certificate and a conditional early childhood teaching certificate for teachers	This bill's requirements should allow our educators to better support children in developing and teaching the basic skills they need to be



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	Providers - Resident and Conditional Teaching Certificate		who meet certain criteria in eligible publicly funded prekindergarten programs and generally relating to resident teacher and conditional teaching certificates for prekindergarten providers.	successful in school. There should be a minimal fiscal impact, only the cost of paying instructors to teach the courses, which we already allocate.
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A.2 - Bills P&G Opposes

#	Bill Number/Name	P&G Position	Bill Purpose	Notes
1.	SB 0980 - Education - Computer Science – Content Standards and Requirements	Curriculum, Assessments, and Grading	Requiring public high schools to promote and increase the enrollment of certain students in high school computer science courses; requiring, beginning on or before a certain date, the State Board of Education to update computer science content standards to include certain information; requiring county boards of education to provide certain computer science instruction in public elementary and middle schools in the county; and generally relating to content standards and requirements for computer science instruction in public schools in the State.	The fiscal impact of the unfunded curricular mandate, which would mandate changes to the curriculum and instructional standards for computer science education, is estimated at approximately \$9,000,000 for the first year and \$3,700,000 for the following years.
2.	HB 1400 - Public Schools - Student Use of Force - Authorization	School and Community Safety	Authorizing a student to take reasonable action necessary to prevent violence on school premises or a school-sponsored trip; authorizing a student to use reasonable force necessary to protect themselves or escape an attack under certain circumstances; requiring the principal or school administration to investigate each student use of force incident; and prohibiting a school from disciplining a	It will be necessary to ensure mediation between students involved in fights to ensure that further fighting does not occur. Additionally, implementing this bill will increase the chances of more students being injured. To provide the added mediation, it will be necessary to have trained mediators available in all



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			student under certain circumstances.	schools, which will be costly for the school system. Training will need to be provided to staff and students.
3.	HB 1418 - Public Middle and High Schools - Start Time for Instruction - Requirement	Local School Board Authority	Beginning in the 2026-2027 school year requires a public middle school to begin instruction not before 8 a.m. and a public high school to begin instruction not earlier than 8:30 a.m. unless granted a waiver by the county board of education under certain circumstances.	The proposed legislation mandating middle and high school bell times to start no later than 8:00 could significantly disrupt the daily operations of our school system. Limiting start times could adversely affect instructional hours, disrupt staff contracts, impact before and after-school care availability, and hinder after-school activities. Moreover, it could create challenges for high school students who need to work to support their families and participate in extracurricular activities.
4.	HB 1455 - Public Prekindergarten and Child Care Providers - Wavier Action Plan and Assistance Hubs	Local School Board Authority	Requiring a county board of education that requests a certain waiver for publicly funded full-day prekindergarten to develop and submit a certain action plan to certain government entities; requiring the State Department of Education, in collaboration with the Accountability and Implementation Board, to establish certain assistance hubs throughout the State to support child care providers and coordinate partnerships within the State's mixed delivery system; establishing the Child Care Provider Hub Advisory Committee; etc.	The proposed is an unfunded mandate. The increased responsibility for childcare/private providers poses an undue hardship on PGCPs, given its large size and the number of prekindergarten classes/staff. The bill would cause an added strain on PGCPs' fiscal, human capital, and staffing resources to support the childcare community in addition to PGCPs Pilar 1 (Early Childhood) work.

CRSD testimony SB 927.pdf

Uploaded by: Alyssa Fieo

Position: UNF

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE JUDICIAL PROCEEDINGS

BILL: SB 927 – Criminal Law - Crime of Violence - Second Degree Assault of a School Employee or Subcontractor (School Assault Reduction and Prevention Act)

March 5, 2024

Positions: Unfavorable

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and concerned citizens interested in transforming school discipline policies and practices within Maryland’s public school system. CRSD is committed to making discipline responsive to students’ behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. CRSD respectfully requests that the Committee issue **an unfavorable report on Senate Bill 927** which would expand the definition of a “crime of violence” under §14-101 of the Criminal Law Article to include assault in the second degree of an employee or a subcontractor of a public or private elementary or secondary school.

For over 10 years, CRSD has been advocating for Maryland to examine, at both the local and state level, policies and practices that funnel students into the criminal justice system, which has dire long term consequences for students. *Senate Bill 927 would only fuel the school-to-prison pipeline and would not improve school climate or make schools safer for staff and students.*

Based on the most recent student arrest data from the Maryland State Department of Education for the 2021-2022 school year, “attack on adult” only made up 8% of all arrests.¹ With the majority of the school systems having less than 10 incidents of students allegedly attacking an adult. Only a few school systems seem to have a significant issue with this category of offense which does not warrant making a second degree assault a “crime of violence.” In addition, based on our experience, many of these incidents stem from behavior related to a student’s disability, adults getting injured breaking up a fight between students, or involve minor incidents such as a student throwing an empty water bottle that inadvertently hits a teacher, or pushing past a teacher trying to get by them. While we do not condone this type of behavior, it does not warrant the automatic categorization of the offense as a “crime of violence.”

*CRSD is gravely concerned that SB 927 could lead to an increase in the incarceration of youth, particularly due to the mandatory sentencing for repeat convictions for a “crime of violence.”*² We know based on the disproportionate impact of school discipline and school-based arrests that Black students and students with disabilities will be at the highest risk.

¹ See Maryland Public Schools Arrest Data School Year 2021-2022, <https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20212022.pdf>

² Md. Code, Crim. Law § 14-101

The Maryland Commission on the School-to-Prison Pipeline and Restorative Practices—a body created by the General Assembly and comprised of a diverse group of educators, parent representatives, and school discipline experts—documented the continued disparities in the use of exclusionary discipline in Maryland public schools.³ The Commission report noted:

The most common arrests in schools are simple assault (which might be a minor fistfight or something far less serious) and the vague category of “disorderly conduct,” which could be a temper tantrum, cursing, or talking back to a teacher ... The increased police presence in schools has over policed and criminalized many children, especially youth of color, and contributed to the school-to-prison pipeline.⁴

Data for the 2022-23 school year continued to show the disproportionate impact of school discipline, including that:

- 58% of out-of-school suspensions and expulsions are Black students, even though Black students make up only 33% of public school enrollment in Maryland.
- Students with disabilities represent 13% of enrollment in Maryland public schools but 26% of out-of-school suspensions and expulsions.⁵

For a student with a disability that impacts their behavior, such as autism, an emotional disability, or an intellectual disability, SB 927 would have a dire impact.

Senate Bill 927 unnecessarily seeks to expand the scope of “crimes of violence” without considering the collateral consequences on children. There is no compelling reason and the data does not support a need to categorize second degree assault under the category of a crime of violence.

Despite the bill's title, SB 927 does little to reduce or prevent school assaults of teachers and adults. Rather, CRSD encourages the legislature and the Maryland State Board of Education to increase services to students, including academic support and social emotional support through community schools, by investing in more social workers, school psychologists and counselors, by investing in restorative practices to help repair relationships, and by using the special education process for students with disabilities whose behavior interferes with their learning. Additional punitive

³ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, *Final Report and Collaborative Action Plan* (December 20, 2018),

https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1003&context=cdrum_fac_pubs

⁴ *Id.* at 26.

⁵ Maryland State Department of Education, *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2022-2023*.

<https://marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2022-2023-MD-PS-Suspensions-Expulsions-and-Health-Related-Exclusions.pdf>.

measures though SB 927 is not how we create more positive and safer school environments for both students and staff.

For these reasons, CRSD opposes SB 927.

For more information contact:

Maryland Coalition to Reform School Discipline (CRSD)

CRSDMaryland@gmail.com

CRSD Members

Maryland Office of the Public Defender

Public Justice Center, Education Stability Project

League of Women Voters of Maryland

Baltimore Alliance to Reclaim Our Schools

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

ACLU of Maryland

Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law

Disability Rights Maryland

SB0927 Criminal Law – Crime of Violence – Second D

Uploaded by: Jeremy Zacker

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB927 Criminal Law – Crime of Violence – Second Degree Assault of a School Employee or Subcontractor

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: March 4, 2024

The Maryland Office of the Public Defender respectfully submits this testimony and asks for an unfavorable report from the committee.

Senate Bill 927 is a fairly transparent attempt to bring more 10-12 year olds into the juvenile justice system by expanding the definition of ‘crime of violence’ to include Assault 2nd degree on school employees and subcontractors. Besides unnecessarily bringing more young children into the courts, this bill would have unintended consequences for both children and adults.

Senate Bill 927 lacks investment in front-end proactive solutions and is centered on punitive measures that have been proven ineffective and are contradicted by best practices, research and data. “A growing body of evidence has found that pre-teens have diminished neurocognitive capacity to be held culpable for their actions; likewise they have little ability to understand delinquency charges against them, their rights and role in an adversarial system, and the role of adults in this system.” Juvenile Justice Reform Council Final Report (2021) at 17, <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

Senate Bill 927 would also have other deleterious effects on all those found delinquent or convicted of assaulting a school employee. Crimes of violence are not expungable. *See* MD. CODE ANN., CTS. & JUD. PROC. § 3-8a-27.1(c)(6)(i); MD CRIM PROC. § 101-105(a)(8)(i). Thus, an assault committed against a school employee is a permanent lifetime record even when committed at the age of 10.

Senate Bill 927 does not require that the assault take place on school grounds, nor does it require that the assault be related to any school employment, nor does the assailant need to know the victim is a school employee. If a school subcontractor is assaulted at a sporting event, or even at a family gathering, it is a crime of violence. However, if a non-school employee or subcontractor is a victim of a similar assault, they do not get equal treatment or respect under the law. An assault is an assault regardless of the employment status of the victim.

Maryland should abandon its effort to create more punitive responses to immature and impulsive acts of young children. Maryland should end the unproductive practice of charging pre-teens with juvenile offenses and focus on evidence-based solutions which support our youth and our communities.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 927.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Jeremy Zacker, Assistant Public Defender.

OPPOSE SB 927 - School Assault Reduction and Preve

Uploaded by: Philip Caroom

Position: UNF

OPPOSE HB 758 / SB 927 - School Assault Reduction and Prevention Act

In 2022, the Maryland General Assembly overwhelmingly passed the 2022 Juvenile Jurisdiction Act (JJA) that prevented charging of 10 year olds with offense except an offense classified as a “crime of violence” under Md.Code, Criminal Law Art., sec. 14-101.

SB 927 seeks to work around the JJA to authorize charging 10 year olds by re-classifying a simple assault against any school employee or contractor to become a “crime of violence.” While such an amendment might be understandable if the alleged assault involved a firearm or caused serious injury, a huge increase in penalties for a simple assault – which may not even involve physical contact – is very troubling. Such a change of law would be misguided and harmful to children for a number of reasons:

First, legislators should consider the most common circumstances for a child’s simple assault against a school employee. Most commonly, students will get into a fight with another student; an adult intervenes and is punched, often by accident. Another common incident could involve a teacher disciplining a child who, in emotional distress, gets angry and aggressively swings at a teacher. Neither actual physical contact, nor injury, is not required for a “assault” to occur under Maryland law. Traditionally, a student’s assault that does not cause any significant injury would be dealt with as a disciplinary incident and not by the police.

SB 927, however, would permit police to file charges to bring a child to juvenile court. Md.Code, CJP Art., sec. 3-8A-03. Related to the JJA, Maryland school regulations also make such a “crime of violence” an offense reportable to police to expedite this charging process. COMAR 13A.08.01.17. Thus, creating a police-report and charges could cause lifetime harm to a fourth-grade student who lost his or her temper on one occasion.

Taking Anne Arundel County’s Student Handbook as an example of further consequences, the child’s removal from the school is authorized for a crime of violence and an IEP (individual educational program) hearing may be required—in effect, causing substantial delays— before the child returns to the school. A student with a “crime of violence” charge also might be ineligible to participate in an alternate dispute resolution program known as “Teen Court.” The interruption of a fourth-grader’s education for a lengthy period of time, as well as the stigma of suspension, also could cause longterm harm to such a child.

Finally, while children 13 and under still would be retained in juvenile court, SB927 also could apply to a child 14 years old or older whose case was transferred to adult court. If such a child was convicted on a second incident (not unrealistic for a child with emotional difficulties), under SB 927, he or she could receive a mandatory sentence of 10 years in adult prison without the possibility of parole.

For all these reasons, Maryland Alliance for Justice Reform (MAJR- www.ma4jr.org) urges an unfavorable report on SB 927.

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Please note: This testimony is submitted for MAJR and not for the Md. Judiciary or any other unit of state government.