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January 31, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Adam Spangler
Legislative aide, Legislative Affairs, Office of the Attorney General

RE: House Bill - 137 Civil Actions – Civil Immunity – Educator Intervention -
Support

The Maryland Office of the Attorney General writes to urge the Judiciary Committee to favorably report House Bill 137. House Bill 137 makes administrators, teachers, and support staff of public and private schools immune from civil liability for any personal injury or property damage resulting from an intervention in an altercation between students, so long as the individual intervened in a reasonably prudent manner.

This bill is similar to the federal Paul D. Coverdell Teacher Protection Act, 20 U.S.C. § 7946, which also limits the liability of teachers seeking to maintain order in the classroom. Notably, this bill follows on the heels of *Gambrill v. Board of Education of Dorchester County*, 481 Md. 274 (2022), in which a middle school student's parents brought a negligence action against school staff for injuries sustained via bullying by other students. The circuit court granted summary judgment for the school staff, and the Maryland Appellate Court affirmed, both holding that the Coverdell Act preempted State law. The Maryland Supreme Court reversed, holding that the Coverdell Act did not preempt CJP § 5-518, which limits teacher liability by

making the local board of education liable for the acts or omissions of its teachers and fits within an exception to the Coverdell Act.

We think it clear that teachers who intervene in reasonably prudent manners should not be held liable for personal injury or property damage and, therefore, urge a favorable report on HB 137.

cc: Committee Members