

**TO:** House Ways and Means Committee  
**BILL:** House Bill (HB) 1400 – Public Schools – Student Use of Force - Authorization  
**DATE:** March 6, 2024  
**POSITION:** Oppose

The Maryland State Department of Education (MSDE) and the Maryland State Board of Education (State Board) respectfully oppose House Bill (HB) 1400 – Public Schools – Student Use of Force - Authorization. HB 1400 amends Section 7-307 of the Education Article to add “student” to the list of school system personnel in public schools, which currently includes the principal, teacher, and school security guard, that may 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. Additionally, HB 1400 stipulates that a student who is physically attacked on school property during school hours may use “force reasonably necessary” to protect themselves or escape the attack. The principal or school administrator is required to investigate each use of force incident and a school employee *may not discipline a student who is found to have “more likely than not” used force consistent with this bill.*

### **Concerns**

The inclusion of a student in the list of school system personnel authorized to take reasonable action to prevent violence on school premises or during a school-sponsored trip could potentially create liability issues for Local Education Agencies (LEAs). This risk could be particularly high if a student, lacking proper training, or another individual were to sustain injuries while intervening in a violent situation. Moreover, empowering a student to take such action could place them in a precarious situation, potentially leading to retaliation from students involved in the disruptive incident.

Further, it is not the responsibility of a student to determine what is “reasonable action necessary” to prevent violence. The responsibility of maintaining a safe learning environment for students lies with the principal, school administrators, teachers, and school security personnel. School administrators routinely investigate physical attacks on school property, adhere to due process procedures, and apply disciplinary action in accordance with the Maryland Guidelines for State Code of Discipline and LEA codes of discipline. During the investigation of an incident, it may be challenging to determine whether a student used “force reasonably necessary” to protect themselves, or whether they used force in a manner inconsistent with this bill. For instance, in the case of a fight, it might be determined that both individuals share responsibility for the disruption and therefore, both are subject to disciplinary action.

### **Current Activities**

MSDE provides support and guidance for LEAs on alternative disciplinary approaches. This is achieved through collaborative partnerships with expert organizations such as the Center for Dispute Resolution at the University of Maryland (C-DRUM). Currently, MSDE is engaging in monthly collaborations with LEA leaders specializing in restorative practices and anti-bullying initiatives. MSDE has published several documents to guide LEAs towards a more restorative approach to student discipline. These include *The Maryland Guidelines for a State Code of Discipline*, *Maryland's Model Policy on Bullying, Harassment, and Intimidation*, and *A Trauma-Informed Approach for Maryland Schools*.

The Department and the State Board respectfully request that the committee consider this information on **HB 1400**. Please contact Dr. Akilah Alleyne, Executive Director of Government Affairs, Education Policy, and Government Relations, at [Akilah.alleyne@maryland.gov](mailto:Akilah.alleyne@maryland.gov) or at 410-767-0504 or Zach Hands, Executive Director of the State Board, at [Zachary.hands1@maryland.gov](mailto:Zachary.hands1@maryland.gov) or at 443-915-6094, if you would like any additional information.