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Committee: House Ways and Means Committee

Bill Number: House Bill 1194 - Public Schools – Injury Incidents – Requirements for Tracking and Reporting

Hearing Date March 5, 2025

Position: Unfavorable

On behalf of the Maryland Association of Boards of Education (MABE), representing all twenty-four local boards of education across the state, we respectfully express our opposition to House Bill 1194.

While MABE and our member boards fully support student and staff safety as a paramount priority in our public schools, we believe this legislation creates significant operational burdens without providing the necessary resources or clarity to achieve its intended goals.

Existing Reporting Systems Already Address School Safety and Injury Incidents

Maryland's public schools already maintain robust systems for documenting and addressing student and staff injuries through existing health services protocols, workers' compensation procedures, and student discipline reporting systems.

HB 1194 would create a redundant tracking structure that overlaps with these established mechanisms, diverting valuable time and resources from educational priorities. Schools all have concussion protocols, injury reporting protocols to parents, procedures related to ensuring IEPs are met and services documented, logs in their health rooms (nurse's office), and overall safety protocols. Some of these policies may provide teacher discretion: a kindergartener receives a rug burn during story time, or scrapes their knee at recess -- should every teacher and every staff member be logging and reporting every incident? Students have IEPs related to mental health concerns, ranging from the serious to the minor, like anxiety when there are tests. Are we reporting on when tests make kids nervous?

Additionally, under Maryland law, schools must document all physical altercations in internal incident reports and immediately report serious physical altercations resulting in injury to school administration. Incidents involving weapons or resulting in serious bodily

injury must be reported to law enforcement. Maryland law requires schools to report any incident that would be a crime, if committed by an adult, including physical assaults causing serious bodily injury. All school employees are mandatory reporters and must report any suspected child abuse, including physical abuse, to Child Protective Services immediately.

Serious incidents must also be reported to the Maryland State Department of Education through the Maryland Safe Schools reporting system, which is used for annual school safety reports. Parents or guardians of all students involved in serious physical altercations must be notified promptly.

Administrative Burden and Unfunded Mandate

The bill would impose substantial new administrative responsibilities on schools and county boards without providing the funding necessary to implement these systems properly. The broad definition of "injury incident" in the legislation would require documentation of numerous minor occurrences, creating an overwhelming volume of paperwork and reporting burdens.

Schools would need to:

- Develop new tracking systems that may not already exist
- Train staff on implementation
- Allocate personnel time for documentation and frequent reporting
- Contact parents of both affected students and witnesses
- Submit 30-day reports on an ongoing basis
- Coordinate individual counseling resources for a potentially vast number of students

As one of our district Risk Managers stated: "Schools lack the manpower to document every incident... monthly reports to county boards and biannual submissions to MSDE add administrative strain, without funding to support additional staffing needs."

These unreasonable and excessive tracking and reporting requirements constitute an unfunded mandate at a time when our schools are already struggling with limited resources and staffing challenges. Most importantly, these burdensome requirements take valuable time away from our core mission of educating children.

Definitional Concerns Create Implementation Challenges

The definition of "injury incident" in HB 1194 is problematically broad, encompassing any "physical or mental harm or injury, whether intentional or accidental." This vague language creates significant interpretation challenges:

- "Mental harm" is highly subjective and impossible to define or document consistently
- No threshold is established for what constitutes a reportable injury (does a scraped knee on the playground or being bumped in a hallway qualify?)
- Elementary classrooms are sometimes cleared due to behavioral issues - would all evacuated children be recorded as having a "mental injury"?
- How would schools uniformly determine which students "witnessed" an incident for notification and counseling purposes?

As one school system's Student Services Director noted: "Physical and mental injury is too vague and would account for thousands of reports. Mental injuries include bullying, harassment, and threats. Physical injury is not defined, so it could be everything from a bruised knee on the playground to disfigurement in a fight."

Without clear operational definitions, implementation would vary widely across districts, undermining the bill's purpose of creating meaningful comparative data. The inconsistency in data collected would be enormous, with different judgments made at each school, rendering comparisons between schools virtually meaningless for legislative purposes.

Privacy and Confidentiality Concerns

The bill requires schools to notify parents or guardians of any student who "witnessed" an injury incident that necessitated room clearance. This requirement presents multiple concerns:

- Potential violation of student confidentiality protections under FERPA and other privacy laws
- Creation of unnecessary alarm among families regarding routine incidents
- Increased risk of confidentiality breaches, particularly for incidents involving mental health, discipline, or students with IEPs
- Potential legal liability if notifications are delayed or incomplete
- Reports disaggregated by school could lead to identification of individual students in smaller schools

- Making this data publicly available could increase district liability and potentially provide sensitive information to plaintiff's attorneys

Strain on Student Support Services

The requirement to offer individual counseling for every student involved in or who witnessed an injury incident would place an unreasonable burden on our already limited mental health staff. As one Student Services Director observed: "The interventions would inhibit the administrators' ability to manage the school and would be very detrimental to the counselors and school psychologists who would be required to have individual meetings with every student involved."

This mandate would likely require additional staffing that is not funded in this legislation, placing further strain on already tight school budgets.

Constructive Alternative Approach

MABE recommends addressing concerns about school safety incidents reporting through the following alternative approaches:

1. Direct MSDE to evaluate existing reporting systems and identify any gaps or improvements needed
2. Enhance current data collection mechanisms rather than creating entirely new systems
3. Provide necessary funding for any new mandated reporting requirements
4. Develop clear guidance and definitions in consultation with educators and school administrators

For these reasons, MABE requests an unfavorable report on House Bill 1194. If you have any questions, please contact legislative counsel, William Kress at

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