



PSSAM
Public School Superintendents' Association
OF MARYLAND

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BILL: HB 1114

TITLE: Education - Prohibited Behavior on School Grounds and Property - Application

DATE: March 8, 2023

POSITION: Support with Amendments

COMMITTEE: Ways and Means

CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, **supports** House Bill 1114 **with amendments**.

House Bill 1114 would specify that provisions of law prohibiting and criminally penalizing certain disruptive and threatening behavior on certain school grounds and property do not apply to students who commit offenses at the institution they attend. Additionally, these provisions of law would not apply to students who commit offenses at another institution while participating in or attending a sporting event or other extracurricular program sponsored at that institution. This application would only apply to the following codified provisions:

- “a person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education”;
- “a person may not molest or threaten with bodily harm any student, employee, administrator, agent, or any other individual who is (1) lawfully on the grounds or in the immediate vicinity of any educational institution; (2) on a school vehicle; (3) at an activity sponsored by a school that is held off of school property; or (4) on property that is owned by a local school system and is used for administrative or other purposes”; and
- “a person may not threaten with bodily harm any employee of an educational institution at home by any means, including in person, by telephone, or by electronic mail. This prohibition relates only to the employee’s employment.”

Simply put, this bill requires local systems to implement school-based discipline and consequences for students who disrupt the learning environment under these provisions, rather than criminally charge them. This alteration only applies to students, and only applies to the provisions listed above. This bill would not prohibit students from being charged for other crimes while on school grounds.

Maryland's superintendents place the highest priority on providing a safe workplace and learning environment for all students and staff in local school systems. Furthermore, PSSAM supports a progressive student discipline system that emphasizes in-school responses to student behaviors that provide professional, educational, and behavioral health support to affected members of the school community. Additionally, PSSAM supports this bill in its retention of the prohibition against non-student conduct contained in the Education Article, which states that "a person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education." House Bill 1114 would ensure that any person other than a student who enters a school and willfully disturbs the ongoing education being conducted would continue to be subject to a charge and penalty under the law, in addition to any other applicable crimes contained in Maryland's criminal law statutes.

Under current law, any person who violates any of the provisions listed above is guilty of a misdemeanor and, on conviction, is subject to a fine up to \$2,500, imprisonment up to six months, or both. Superintendents are committed to the personal development of all students, a goal furthered by appropriate use of restorative school discipline rather than these criminal penalties. PSSAM strongly believes that this bill furthers this approach.

While PSSAM generally supports the application of this bill, we do raise one concern that can be clarified through amendments. As written, this bill would waive criminal penalties for students of a higher education institution who commit the specified offenses on elementary, middle, or high school grounds. For example, an adult who is enrolled in a local college who commits one of these offenses while attending a sporting event at a local high school could not be criminally charged if this bill were to go into effect. For the safety of all students, PSSAM requests that amendments be added to clarify that students of higher education who commit an offense on K-12 grounds are still subject to criminal penalties. PSSAM believes that the spirit of this bill is not impacted by this amendment, and ultimately, this amendment would serve to ensure that adults could be charged under these provisions of law, regardless of their enrollment in any higher education institution.

For these reasons, PSSAM **supports** House Bill 1114 with the amendments outlined above, and requests a favorable committee report.