

BILL: Senate Bill 576
TITLE: Student Victim of Violent Crime - Option to Transfer or Require Offender to Transfer Schools
DATE: March 6, 2019
POSITION: OPPOSE
COMMITTEE: Education, Health and Environmental Affairs Committee
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The Maryland Association of Boards of Education (MABE), representing all of the State's boards of education, opposes Senate Bill 576. MABE opposes this bill because it would inappropriately create a new "right" of one student to decide whether another student must be transferred to another school. MABE recognizes that this bill is an attempt to enhance student safety. Unfortunately, this bill proposes to do so by preempting the superintendent's decision-making authority and introducing an unworkable legal obligation to transfer and assign students to schools based on the decisions of other students.

MABE believes the unintended negative consequences of this bill far outweigh any benefit. Student assignments are based not only on geographic school attendance area, but also on the individual students enrollment in a specific educational program, including schools and services included in a student's individualized education program (IEP) in accordance with federal special education law. The federal Individuals with Disabilities Education Act and corresponding state regulations provide that the IEP team is responsible for identifying and evaluating students with disabilities, developing the IEP, and determining the placement of a child with a disability in the least restrictive environment. The IEP is a legally binding document and constitutes the foundation for the educational services provided to every student with a disability. Alarming, this bill fails to address any potential conflicts with the unilateral decision of one student to transfer another, and the educational needs of the student being transferred, even needs addressed in a student's IEP.

Current law provides ample authority for a superintendent to transfer students to ensure student safety. MABE and the 24 local school boards we represent take very seriously the need for strict and comprehensive school safety policies that focus on controlling and/or preventing bullying, verbal threats, student fights, and the numerous other actions which can disrupt effective teaching and learning and potentially lead to more serious behavior. School systems already have comprehensive school safety policies and procedures in place to address the type of conflict between students that is addressed in this bill.

The Maryland State Board of Education has repeatedly held that school systems have ample authority to transfer students, whether through a redistricting of attendance areas for groups of students or through the transfer of an individual student. In 1984, the Maryland State Board of Education decided a case in favor of the Montgomery County Board of Education holding that, "[T]he General Assembly has delegated authority to local boards of education to establish geographic attendance areas for schools" and that "*transfers of individual public school students from one local public school to another is a local matter particularly within the areas of competence of a local board of education.*" (Emphasis added) *Mary Ellen Schiller v. Montgomery County Board of Education*, 3 Opinions of MSBE 365, 365-368 (1984).

Again, MABE opposes this bill because it would unnecessarily and unwisely establish the unprecedented right of one student to make a student transfer decision regarding another student. For these reasons, MABE urges this Committee to issue an unfavorable report on Senate Bill 576.