

BILL: House Bill 137
TITLE: Civil Actions – Civil Immunity – Educator Intervention
DATE: January 31, 2024
POSITION: SUPPORT
COMMITTEE: Judiciary
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The Maryland Association of Boards of Education (MABE) supports House Bill 137.

This bill would provide additional civil immunity to administrative, educational, or support staff in public and private schools from civil actions claiming personal injury or property damage resulting from an intervention in an altercation between students. MABE supports the bill as a reasonable, supplemental, layer of legal protections for school personnel following their involvement in these situations.

The bill specifies that the protection of civil immunity provided by the bill is conditioned on the reasonable actions of the school employee. School staff must i) be acting in an official capacity, ii) intervene in a reasonably prudent manner, and iii) the intervening action must not constitute gross negligence, willful, wanton, or intentionally tortious conduct. To be clear, the bill provides additional assurances of civil immunity for public school employees, because the current law already does so to certain extent.

Under longstanding Maryland law, public school educators, among other school personnel, are permitted to “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.” However, in 2022, the Maryland Supreme Court ruled, among other things, that the federal Paul D. Coverdell Teacher Protection Act does not provide civil immunity to teachers for harm they cause through negligent act or omissions within the scope of their employment. Therefore, to mitigate the effects of this ruling MABE supports House Bill 137 to provide civil immunity to public school employees who act with good faith in a reasonable manner to end a physical altercation between students.

For these reasons, MABE requests a favorable report on House Bill 137.