

MONTGOMERY COUNTY BOARD OF EDUCATION  
Rockville, Maryland

February 12, 2013

MEMORANDUM

To: Members of the Board of Education

From: Laura Steinberg, Staff Assistant, Legislative and Inter-Governmental Relations

Subject: Recommended Positions on Education Legislation

This memorandum is to provide you with information regarding proposed legislation that could impact Montgomery County Public Schools (MCPS). Each bill has been analyzed to determine any impact on MCPS. The bills before you today are listed below, including the web site where you can find the full text of each bill. To access the text online, right click each hyperlink.

**Administrative**

HB0323

Election Law - Primary Elections - Dates

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0323F.pdf>

**Administrative-Open Meetings Act**

HB0139

Training for Public Open Meetings Act

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0139F.pdf>

HB0140

State Government - Open Meetings Act - Penalty

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0140F.pdf>

HB0331/SB0826

Open Meetings Act - Violations and Penalties

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0331F.pdf>

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0826F.pdf>

HB0484

Maryland Open Meetings Act - Enforcement Authority

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0484F.pdf>

HB0485

Open Meetings Act - Application of Penalties

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0485F.pdf>

**Charter Schools**

SB0174/HB0146

Education - Public Charter Schools - Capital Improvement Requests

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0174F.pdf><http://mgaleg.maryland.gov/2013RS/bills/hb/hb0146F.pdf>

SB0194

Education - Charter Schools - Study to Recommend Improvements to the Maryland Public Charter School Program

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0194F.pdf>**Construction/Maintenance**

HB0103/SB245

School Buildings - Solar Technology - Design Development Documents

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0103F.pdf><http://mgaleg.maryland.gov/2013RS/bills/sb/sb0245F.pdf>**Fiscal**

SB0277/HB0229

State Aid for Public Education - Certification of Net Taxable Income

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0277F.pdf><http://mgaleg.maryland.gov/2013RS/bills/hb/hb0229F.pdf>**Reporting**

SB0115

County Boards of Education - School Budget, Audit, and Procurement Information - Web Site Publication

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0115f.pdf>**Safety and Security**

HB0453

Education - Maryland Center for School Safety

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0453F.pdf>

SB0143

Public Schools - Emergency Management Plans - Evaluations

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0143F.pdf>**Safety and Security-School Access**

HB0269

Public Schools - Requirements for Controlled Access

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0269F.pdf>

**Safety and Security-Weapons**

HB0394

Education - Primary and Secondary Schools - Electronic Control Devices

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0394F.pdf>

HB0395

Handguns - Permit Qualifications and Carrying on School Property - School Guardians

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0395F.pdf>

HB0397

Criminal Law - Carrying Weapons on School Property - Law Enforcement Officers Safety Act

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0397F.pdf>

HB0436/SB0533

Handguns - School Employees - Handgun Permits and Carrying Weapons on School Property

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0436F.pdf>

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0533F.pdf>

**Safety and Security-Offense**

HB0014

Criminal Law – Part–Time School Employees and Coaches – Sexual Contact with Minors

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0014f.pdf>

HB0031

Criminal Law - Fourth-Degree Sex Offense - School Employees and Contractors

<http://mgaleg.maryland.gov/2013RS/bills/hb/hb0031f.pdf>

SB0105

Criminal Law – Sexual Contact with Minors – School Employees

<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0105f.pdf>

I will continue to monitor proposed legislation and bring you recommended positions on those additional bills that will impact the Montgomery County Public Schools.

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Attachment

*Administrative*

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**HB0323      Election Law - Primary Elections - Dates**  
**Sponsor      Delegate Afzali**

**Synopsis**

For the purpose of altering the dates of primary elections to be the first Tuesday in June; altering the deadline for filing a certificate of candidacy in the year in which the Governor is elected; and generally relating to the dates of primary elections.

**Analysis**

This bill proposes that the primary election be held the first Tuesday in June of the year the Governor is elected. This will likely fall during final exams, graduations, and some Advanced Placement (AP) exams. Schools could not handle the disruption given those critical/milestone activities, and this would have a tremendous negative impact on students. Most of our schools are used as polling sites. Holding an election on the first Tuesday in June will disrupt the school activities and would be a major problem given final exams, AP exams, and graduations.

**Recommendation: Oppose**

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*Administrative-Open Meetings Act*

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**HB0139      Training for Public Open Meetings Act**  
**Sponsor      Delegate O'Donnell**

**Synopsis**

For the purpose of requiring the State Open Meetings Law Compliance Board to develop and offer an online training program on the requirements of the open meetings law to employees, officers, or members of a public body; requiring a public body to designate certain individuals to receive certain online training; requiring the public body to submit a list of the individuals designated to receive certain online training to the Board; requiring certain individuals designated to receive certain online training to complete the training within a certain time period; requiring certain individuals to complete certain annual online training; and generally relating to online training on the requirements of the Open Meetings Act.

**Analysis**

This bill requires the Open Meetings Compliance Board (OMCB), in conjunction with the Office of the Attorney General and other interested organizations, to develop and offer an online training program on the requirements of the Open Meetings Act (OMA); requires a public body to designate individuals who are employees, officers, or members of the public body to receive the online training within a specified time frame.

**Recommendation: Support**

*Administrative-Open Meetings Act*

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**HB0140**      **State Government - Open Meetings Act - Penalty**  
**Sponsor**      **Delegate O'Donnell**

**Synopsis**

For the purpose of altering a provision of law governing the penalty for a violation of the Open Meetings Act; requiring the Open Meetings Compliance Board to include any suggestions the Board has concerning the penalties for violations of the Open Meetings Act in a certain annual report to the Governor and the General Assembly; requiring the Attorney General, in collaboration with the Board, to adopt regulations to establish additional penalties for certain violations of the Open Meetings Act; and generally relating to the penalty for a violation of the Open Meetings Act.

**Analysis**

This bill would require the Open Meetings Compliance Board (OMCB) to include in its annual report any recommended adjustments in the penalty for violation of the Open Meetings Act (OMA), as well as requiring the Attorney General, in collaboration with the OMCB, to implement a range of penalties for a violation(s) of the OMA. Currently, the statute provides that a member of a public body who willfully participates in a meeting with knowledge that the meeting is being held in violation of the OMA is subject to a civil penalty not to exceed \$100.

Most public bodies strive diligently to comply with the OMA. The current enforcement mechanisms (which include a civil penalty, voiding the action of the public body, and the assesment of attorney's fees) provide sufficient incentive for public bodies to comply with the OMA. Any additional penalties would serve only to divert scarce resources from the school sytem's educational mission.

By far the best thing the OMCB could do is provide clear and consistent guidance. It is of questionable fairness to increase the penalties and/or compliance burdens when a public body does not know in advance whether the OMCB will opine that its action violated the OMA.

**Recommendation: Oppose**

*Administrative-Open Meetings Act*

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**HB0331**      **Open Meetings Act - Violations and Penalties**

**SB0826**

**Sponsors**      **Delegates Morhaim, Barve, Bromwell, Costa, Hubbard, James, Kach, K. Kelly, Kipke, Lafferty, McMillan, W. Miller, Mizeur, O'Donnell, Pena-Melnyk, Smigiel, Stein, Tarrant, and V. Turner**

**Sponsors**      **Senators Kittleman and Robey**

**Synopsis**

For the purpose of requiring that a certain public body take a certain action if the State Open Meetings Law Compliance Board determines that a certain violation of the Open Meetings Act has occurred; repealing a certain prohibition on the introduction of certain opinions issued by the Board as evidence in certain proceedings; altering certain penalties for certain violations; and generally relating to the Open Meetings Act.

**Analysis**

This bill requires that if the Open Meetings Law Compliance Board (OMCB) determines that a violation of the Open Meetings Act (OMA) has occurred, at the next open meeting of the public body, a member of the public body must announce the violation and orally summarize the opinion; require a majority of the members of the public body sign the opinion and return the signed copy to the OMCB; allow the written opinions of the OMCB to be introduced as evidence in a legal proceeding to enforce the OMA; and subject a public body that willfully meets with the knowledge that the meeting is being held in violation of the OMA to a civil penalty not to exceed \$1,000 for the first violation and \$10,000 for each subsequent violation that occurs within 3 years of the first violation

The current enforcement mechanisms (which include a civil penalty, voiding the action of the public body, and the assesment of attorney's fees) provide sufficient incentive for public bodies to comply with the OMA. By far the best thing the OMCB could do is provide clear and consistent guidance. It is of questionable fairness to increase the penalties and/or compliance burdens when a public body does not know in advance whether the OMCB will opine that its action violated the OMA.

**Recommendation: Oppose**

*Administrative-Open Meetings Act*

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**HB0484**      **Maryland Open Meetings Act - Enforcement Authority**  
**Sponsor**      **Delegate Bobo**

**Synopsis**

For the purpose of authorizing the Attorney General or a local State's Attorney, on the initiative of the Attorney General or a local State's Attorney or on receipt of a verified complaint from a person that a public body has failed or may fail to comply with certain provisions of the Open Meetings Act, to file a petition with a certain court and ask for a certain remedy; and generally relating to enforcement authority under the Open Meetings Act.

**Analysis**

This bill would permit the Attorney General or a local State's Attorney on his/her own initiative or upon receipt of a verified complaint alleging certain violations, to file an action in circuit court to obtain the remedies set forth in the Open Meetings Act (OMA), i.e., determine the applicability of the OMA, require compliance with the OMA, or void the action of the public body. The current enforcement mechanisms (which include a civil penalty, voiding the action of the public body, and the assesment of attorney's fees) provide sufficient incentive for public bodies to comply with the OMA.

**Recommendation: Oppose**

**HB0485**      **Open Meetings Act - Application of Penalties**  
**Sponsor**      **Delegate Bobo**

**Synopsis**

For the purpose of applying certain penalty provisions to a member of a public body who attends a meeting of the public body that is held in violation of the Open Meetings Act; providing that certain penalties do not apply to specified members of public bodies under certain circumstances; and generally relating to the Open Meetings Act.

**Analysis**

This bill would subject a member of a public body to a \$100 civil penalty for attending a meeting of the public body that is held in violation of the Open Meetings Act (OMA). The current \$100 penalty applies to a member of a public body who "willfully participates in a meeting of the public body with knowledge that the meeting is being held" in violation of the OMA. Removal of the "willful" language would result in strict liability for the individual members of the public body.

**Recommendation: Oppose**

*Charter Schools*

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**SB0174 Education - Public Charter Schools - Capital Improvement Requests**

**HB0146**

**Sponsors Anne Arundel County Senators**

**Sponsors Delegate Kipke (By Request - Anne Arundel County Administration) and Delegates Dwyer, Hough, McDonough, and Szeliga**

**Synopsis**

For the purpose of making public charter schools eligible to receive State funds for school construction subject to certain requirements; requiring the public charter school to submit a certain request for a capital improvement project to the county board of education; requiring the county board to establish a deadline for request submission; requiring the county board to make a certain evaluation of the request; requiring the county board to provide the public charter school with certain notice by a certain date; requiring the county board to allow the public charter school to make certain corrections in a reasonable time; etc.

**Analysis**

This bill would make charter schools eligible for state school construction dollars. Historically, the amount of funding available for school capital projects is less than the need. To provide a capital funding mechanism that treats the capital needs of charter schools equal to the capital needs of the local county public schools diminishes the capital funds available for public school construction. In addition, the term of charter school agreements is limited to a period of years that is substantially less than the life of capital improvements. Should a charter school not be successful in their educational program and their charter school agreement not be renewed, a substantial portion of the value of a capital investment under this bill could be lost to future public benefit and be transferred to private benefit.

**Recommendation: Oppose**

**SB0194 Education - Charter Schools - Study to Recommend Improvements to the Maryland Public Charter School Program**

**Sponsors Sennator Kelley, Benson, Conway, Currie, Ferguson, Jones-Rodwell, King, Pugh, Reilly, and Young**

**Synopsis**

For the purpose of requiring the Maryland State Department of Education to conduct a certain study and provide certain recommendations to the Governor and the General Assembly on or before a certain date regarding improvements to the Maryland Public Charter School Program; declaring a certain intent of the General Assembly and a certain priority of the State; providing for the termination of this Act; and generally relating to improving the Maryland Public Charter School Program.

**Analysis**

This bill requires the Maryland State Department of Education (MSDE) conduct a study regarding Charter Schools and the state's ability to meet the requirements of the federal charter school program grant. Typically, bills which mandate a study also articulate members of the task force to conduct the study. This bill is silent on who would participate in the study with MSDE.

**Recommendation: Oppose**



*Construction/Maintenance*

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**HB0103 School Buildings - Solar Technology - Design Development Documents**

**SB0245**

**Sponsors Delegate Morhaim, Barve, Cardin, Cluster, Feldman, Frank, Griffith, Hammen, Ivey, Kramer, Lafferty, Luedtke, Mitchell, Mizeur, Murphy, Nathan–Pulliam, Proctor, Reznik, S. Robinson, Stein, F. Turner, Walker, and Zucker**

**Sponsor Senator Robey**

**Synopsis**

For the purpose of requiring the Board of Public Works to adopt certain regulations requiring certain design development documents for the construction or renovation of school buildings to include certain information relating to the use of solar technology; requiring the Interagency Committee on School Construction to submit a certain report that includes certain information to the Governor and the General Assembly on or before a certain date each year; and generally relating to school buildings and solar technology.

**Analysis**

This bill requires the evaluation of the life-cycle cost of the use of solar technology in all new and modernized school construction projects, and reporting to the state why it would not be included. This bill also requires that the Interagency Committee on Public School Construction create a solar energy pilot program that provides grants to fund 90 percent of the cost of installation of a solar PV or hot water system.

MCPS is fully committed to enhanced energy efficiency and informally evaluates the cost/benefit and feasibility of installation of solar energy systems on new construction projects in order to obtain a Leadership in Energy and Environmental Design (LEED) credit towards project certification. This bill would impose time requirements on staff and could increase the cost of each project by \$10,000-\$15,000. While creating a grant program to help cover costs would be appreciated, unless the overall amount of monies available for school construction is increased, those grant dollars could compete directly with the limited funds available for school construction.

**Recommendation: Oppose**

*Fiscal*

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**SB0277 State Aid for Public Education - Certification of Net Taxable Income**

**HB0229**

**Sponsor Senate President**

**Sponsors Speaker of the House**

**Synopsis**

For the purpose of altering the definition of “net taxable income” for purposes of calculating certain State aid formulas for education; requiring the Comptroller to certify annually the amount of net taxable income in a certain manner; requiring certain State aid to be calculated in a certain manner; requiring certain State aid to be paid in a certain manner under certain circumstances; providing for the application of this Act; and generally relating to the certification of net taxable income for the purposes of certain State aid for education funding.

**Analysis**

This bill requires the state comptroller to calculate state income tax filings as of November 1 of each year, as well as September 1. State aid for education formulas that use a wealth-based factor that includes NTI will be adjusted to consider either the September 1 or November 1 NTI amounts. Jurisdictions will receive the greater of the two calculations. Those jurisdictions that will benefit from this change will have the increased amounts phased in from fiscal years 2014–2017. By introducing the “greater of either calculation” provision, this bill holds harmless those jurisdictions whose aid might otherwise be impacted.

**Recommendation: Support**

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*Reporting*

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**SB0115 County Boards of Education - School Budget, Audit, and Procurement Information – Web Site Publication**

**Sponsor Senator Benson**

**Synopsis**

For the purpose of requiring county boards of education to develop and operate a certain web site that includes certain information relating to school budgets, audits, and procurement; specifying certain parameters of the web site; defining certain terms; and generally relating to the development and operation of a searchable web site by county boards of education.

**Analysis**

This bill requires developing a searchable web site of school system annual budgets, audits, and payments of \$25,000 or more. Annual budgets must be searchable by school; payments of more than \$25,000 must indicate whether the payee is a minority business enterprise and purpose of payment.

In 2009, legislation mandated MCPS to create a searchable database of expenditures over \$25,000. However, that legislation did not require identification of a payee as minority enterprise nor purpose of payment. Audit data prepared by certified public accountants are currently posted on the MCPS web site, as is the school system budget. The additional mandates imposed by this bill would be unreasonably costly to develop and maintain.

**Recommendation: Support with Amendment**

*Safety and Security*

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**HB0453**      **Education - Maryland Center for School Safety**  
**Sponsors**    **Delegates Walker, Bohanan, Branch, DeBoy, Dumais, Glenn, Guzzone, Haddaway-Riccio, Howard, Ivey, Kaiser, Luedtke, McDonough, Niemann, O'Donnell, Summers, Tarrant, Valderrama, Vaughn, A. Washington, Wilson, and Zucke**

**Synopsis**

For the purpose of establishing the Maryland Center for School Safety as an independent unit of State government; establishing the location and staffing of the Center; specifying the function and duties of the Center; establishing the Governing Board of the Maryland Center for School Safety; providing for the membership of the Governing Board; providing for the appointment and terms for certain members of the Governing Board; providing for the duties of the Governing Board; requiring the Governor to provide a certain amount in the annual State budget to carry out certain provisions of law; etc.

**Analysis**

The Maryland Center for School Safety would provide a statewide resource for providing safety and security information, resources available to support school safety, process for accessing available funding, and a catalogue of best practices related to school security. This state school safety and security initiative would benefit all of the school districts within the state. Classification of incidents and reporting will become standard and consistent across the state. Collaborative training, preparation exercises, and a searchable web site, along with developing a web site on school safety resources, will support and enhance every school district's emergency preparedness efforts.

**Recommendation: Support**

**SB0143**      **Public Schools - Emergency Management Plans - Evaluations**  
**Sponsors**    **Senator Pugh, Benson, Ferguson, Forehand, King, Madaleno, Manno, McFadden, Middleton, Montgomery, Muse, and Ramirez**

**Synopsis**

For the purpose of requiring each county board of education to evaluate the effectiveness of the emergency management plan in each public school under the jurisdiction of the county board on or before a certain date; requiring each county board of education to report to the State Department of Education on a certain evaluation on or before a certain date; requiring the Department to make a certain report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the evaluation of emergency management plans in the public schools in the State.

**Analysis**

This bill requires the effectiveness of all school emergency plans to be reviewed and evaluated before November 1, 2013, including training, emergency drills, security cameras, school visitor policies, school resource programs, and coordination with local, state, and federal emergency management agencies.

MCPS evaluates the effectiveness of our emergency plans annually. Training activities, emergency drills, school security cameras, school visitor policies, and the School Resource Officer Program already is integrated into our plans. We currently submit an annual certification of our emergency preparedness efforts to the Maryland State Department of Education. The only change would be including recommendations on how to improve the effectiveness and the associated costs.

**Recommendation: Support**

*Safety and Security-Access*

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**HB0269**      **Public Schools - Requirements for Controlled Access**  
**Sponsors**    **Delegates Luedtke, Clippinger, Cullison, A. Kelly, S. Robinson, Summers, and Waldstreicher**

**Synopsis**

For the purpose of requiring a new school or a renovated school that receives State public school construction funds to be constructed or renovated to have controlled access to allow visitors to enter the school; providing for the application of this Act to the construction or the renovation of certain schools that have not initiated a certain Request For Proposal on or before a certain date; requiring the Board of Public Works to adopt certain regulations; defining a certain term; and generally relating to requirements for controlled access to allow visitors to enter public schools in the State.

**Analysis**

This bill requires a new school or a renovated school that receives State public school construction funds to have controlled access for visitors with utilization of camera, intercom, and buzzer system. MCPS design standards already include various security measures at the main entrance, including a secured vestibule that directs visitors to the main office, security cameras, intercom, and buzzer systems for elementary schools.

**Recommendation: Support**

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*Safety and Security-Weapons*

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**HB0394**      **Education - Primary and Secondary Schools - Electronic Control Devices**  
**Sponsors**    **Delegates McDermott, Cluster, Haddaway-Riccio, Hough, K. Kelly, McComas, and Parrott**

**Synopsis**

For the purpose of authorizing a principal of a primary or secondary school to designate one or more safety officers and make one or more electronic control devices available for use by certain safety officers in the school; requiring the Maryland Police and Correctional Training Commissions and the State Department of Education to develop and administer a certain training program for certain safety officers, establish standards for the use of an electronic control device by a safety officer, and establish criteria for designating safety officers; specifying that a safety officer must satisfactorily complete certain training before using or carrying an electronic control device in a school; requiring each school to submit promptly certain information to the school's county board under certain circumstances; defining certain terms; and generally relating to electronic control devices in schools.

**Analysis**

This bill would allow a school principal to authorize a "Safety Officer" to carry an electronic control device (taser). Allowing principals to designate and authorize individuals to carry tasers does not make sense for MCPS nor probably any other jurisdiction in the state. We depend on our public safety partners to respond quickly when the need arises and they have always done so.

**Recommendation: Oppose**

*Safety and Security- Weapons*

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**HB0395**      **Handguns - Permit Qualifications and Carrying on School Property - School Guardians**  
**Sponsors**      **Delegates McDermott, Hough, K. Kelly, McComas, Parrott, and Smigiel**

**Synopsis**

For the purpose of requiring the Secretary of State Police to issue a handgun permit to a person who is otherwise qualified and who has been designated as a school guardian under certain provisions of law; creating an exception to the prohibition against carrying a deadly weapon on public school property for a person who has been designated as a school guardian and who has been issued a handgun permit; authorizing county superintendents and the Chief Executive Officer of the Baltimore City Board of School Commissioners to designate an individual working within a school as a school guardian who may carry a handgun on school property if the person is otherwise qualified to be issued a handgun permit; and generally relating to school guardians, handgun permits, and carrying deadly weapons on school property.

**Analysis**

This bill allows a person designated as a school guardian to carry a gun on school property if the individual is qualified to be issued a handgun permit. Allowing firearms on school property by individuals other than law enforcement officers creates a potentially dangerous situation for students and staff. In addition, there is no provision in this bill for the school guardian to have any initial or follow-up training on the laws pertaining to use of force, range qualifications, or liability issues.

**Recommendation: Oppose**

**HB0397**      **Criminal Law-Carrying Weapons on School Property - Law Enforcement Officers Safety Act**  
**Sponsors**      **Delegates McDermott, Cluster, Hough, K. Kelly, McComas, and Parrott**

**Synopsis**

For the purpose of creating an exception to the prohibition against carrying a deadly weapon on public school property for a person who holds a certain permit or is certified under a certain federal law to carry a concealed firearm; and generally relating to carrying weapons on school property.

**Analysis**

This bill creates an exception to the prohibition against carrying a deadly weapon on public school property for a person who holds a certain permit or is certified under federal law to carry a concealed firearm. This bill applies to retired law enforcement officers who meet certain annual qualifications and are issued a license under federal law to carry a concealed weapon. MCPS has many retired law enforcement officers in their employ who are licensed to carry under the Federal Law Enforcement Officers Safety Act. MCPS does not authorize any employees to be armed while on school property or at a school sponsored event. Having firearms on school property is best left to active law enforcement officers in the performance of their duties.

**Recommendation: Oppose**

*Recommended Positions on Proposed Legislation*

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*Safety and Security-Weapons*

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**HB0436**      **Handguns -School Employees-Handgun Permits and Carrying Weapons on School Property**

**SB0533**

**Sponsors**      **Delegates Impallaria, Boteler, Dwyer, McDonough, W. Miller, Myers, Parrott, Stocksdale, and Szeliga**

**Sponsors**      **Senator Jacobs**

**Synopsis**

For the purpose of authorizing a county board to authorize school employees in the county board’s school system to carry a handgun on school property under certain circumstances; requiring the Secretary of State Police to issue a handgun permit to a person who is otherwise qualified and who is a school employee in a certain school system; creating an exception to the prohibition against carrying a deadly weapon on public school property for a school employee authorized to carry a handgun by the county board and who has been issued a handgun permit under certain circumstances; and generally relating to school employees, handgun permits, and carrying weapons on school property.

**Analysis**

This bill allows a school employee to carry a handgun on school property if it is secured on the person’s body and if the person is licensed by the state to carry a handgun. The current law allows only law enforcement officers and school security guards to be armed on school property. Individuals who have not had formal firearm training, including laws pertaining to firearm use and extensive range qualifications, should not be authorized to carry a weapon on school property.

**Recommendation: Oppose**

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*Safety and Security-Sexual Offense*

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**HB0014**      **Criminal Law–Part-Time School Employees and Coaches – Sexual Contact with Minors**

**Sponsor**      **Delegates Simmons and K. Kelly**

**Synopsis**

For the purpose of altering the definition of a “person in a position of authority” relating to prohibiting an individual from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor under certain circumstances to remove a limitation to full-time employees and to include certain coaches; and generally relating to a sexual offense involving a person in a position of authority and a minor under certain circumstances.

**Analysis**

Current law prohibits a “person in a position of authority” from engaging in a sexual act or contact with a minor enrolled at the school where that “person in authority” works. However, the law limits the scope of who is defined as a person in a position of authority to “full-time permanent” employees. In addition, the legislation’s list of types of supervisory employment did not include coaches, or persons employed through contracts. This bill has been introduced to close these “loopholes. This bill would remove the restriction to “full-time permanent” employees and would clearly prohibit and criminalize sexual acts between students and part-time and temporary employees such as coaches and substitute teachers.

**Recommendation: Support**

*Safety and Security-Sexual Offense*

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**HB0031 Criminal Law - Fourth-Degree Sex Offense - School Employees and Contractors**

**SB377**

**Sponsors Delegates Arora and Dumais**

**Sponsors Senators King, Ferguson, Kelley, Klausmeier, Montgomery, and Stone**

**Synopsis**

For the purpose of altering the definition of “person in a position of authority” relating to prohibiting an individual from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor under certain circumstances to remove a limitation to full-time employees and to include certain contractors or persons employed by or under contract with contractors; and generally relating to a sexual offense involving a person in a position of authority and a minor under certain circumstances.

**Analysis**

Current law prohibits a “person in a position of authority” from engaging in a sexual act or contact with a minor enrolled at the school where that “person in authority” works. However, the law limits the scope of who is defined as a person in a position of authority to “full-time permanent” employees. In addition, current law does not cite coaches, or persons employed through contracts. This bill has been introduced to close these “loopholes. These bills would remove the restriction to “full-time permanent” employees and would clearly prohibit and criminalize sexual acts between students and part-time and temporary employees such as coaches and substitute teachers. The bill expands the law’s scope to include contractual employees.

**Recommendation: Support**

**SB0105 Criminal Law – Sexual Contact with Minors – School Employees**

**Sponsors Senators Brochin and Raskin**

**Synopsis**

For the purpose of altering the definition of a “person in a position of authority” relating to prohibiting an individual from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor under certain circumstances to remove a limitation to full-time employees; and generally relating to a sexual offense involving a person in a position of authority and a minor under certain circumstances.

**Analysis**

Current law prohibits a “person in a position of authority” from engaging in a sexual act or contact with a minor enrolled at the school where that “person in authority” works. However, the law limits the scope of who is defined as a person in a position of authority to “full-time permanent” employees. This bill closes these “loopholes” by applying to all permanent employees.

**Recommendation: Support**