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Jennings says bill responds to student's gun-shaped pastry incident

Senate measure would prohibit school suspensions for gun 'facsimiles'

March 20, 2013 | By Joe Burris, The Baltimore Sun

A state senator told colleagues Wednesday that a bill to prohibit school systems from suspending children who make gun gestures or have objects that look like a gun is needed because "this has gotten out of hand."

Sen. J.B. Jennings filed his bill after the recent two-day suspension of 7-year-old Joshua Welch at Park Elementary School in Anne Arundel County for nibbling a pastry into what a teacher believed was a shape of a gun.

B.J. Welch, the boy's father, was in Annapolis to testify in support of Jennings' bill before the Senate Education, Health and Environmental Affairs Committee.

"My son Josh tried to make his breakfast into a mountain, but his teacher somehow saw a gun and wrote him up," Welch said.

"How come zero tolerance has turned into zero common sense?" Welch asked. "The day Joshua was suspended, he understood why, but he couldn't comprehend it completely. And like he said, 'It was just a pastry. I couldn't hurt anyone with it.'"

Welch has filed an appeal with the Anne Arundel public schools seeking to have the suspension removed from his son's record. The school system has not ruled on the matter.

In his discussion of the bill, Jennings, a Republican who represents Baltimore and Harford counties, also noted a January incident in Talbot County in which a first-grader at White Marsh Elementary School was suspended after a classmate said he saw the boy form a gun with his hand.

"I've gotten calls from constituents and parents that are saying, 'Enough is enough,'" Jennings said. "These are kids. They're 6 and 7 years old in elementary school. I honestly don't think they know what they're doing. These are not acts of violence. They're kids being kids."

Senate Bill 1058 would prohibit a principal from suspending or expelling a student "who brings to school or possesses on school property a picture of a gun, a computer image of a gun, a facsimile of a gun, or any other object that resembles a gun but serves another purpose." It would also prohibit a principal from suspending or expelling a student who makes a hand shape or gesture resembling a gun.

"With this bill, I am not attacking the teachers. They have a hard job out there. I respect the job they do," Jennings said. "I am trying to give them more power so they can handle it in the classroom."

The parent of the White Marsh first-grader, Teri Bildstein, said her son's suspension was his second infraction. In the first, she said, the boy was suspended after a teacher accused him of making a verbal threat during a conversation with other students. In each case, the boy was suspended for a half-day, she said, but the suspensions were revoked after the family appealed to the Talbot County school board.

"After the second one, we pressed for a meeting with the board of education because we were concerned that this was the second time in three months that discipline might be a little heavy-handed at his school," she said.

Jennings said he expects his bill will be voted on in committee within the next few days, then would advance to the full Senate. He said the Maryland State Education Association and the Public School Superintendents' Association of Maryland have opposed the measure, though neither testified on Wednesday. Jennings said he has received support for the bill from the Rutherford Institute, a civil liberties organization.

David Beard, education policy director for Advocates for Children and Youth, said his group would rather see the bill turned into a resolution that would offer strategies to address children's behavior at school.

Committee members didn't reveal their opinions, though Sen. Karen S. Montgomery, a Democrat from Montgomery County, suggested that "We need to approach the bill on an age-related basis. Children up to about 9 often have no concept of how childish actions are perceived."

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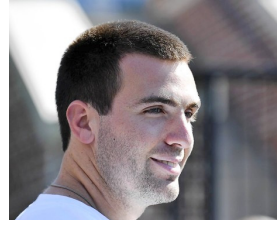
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