

---

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

---

## HOUSE COMMITTEE ON WAYS AND MEANS HOUSE BILL 1468: EDUCATION - STUDENT BEHAVIOR – PARENT NOTICE AND REQUIRED COUNSELING (PARENT ACCOUNTABILITY ACT)

MARCH 4, 2020

### POSITION: OPPOSE

The Maryland Coalition to Reform School Discipline (“CRSD”) brings together advocates, service providers, and concerned citizens interested in transforming school discipline practices within Maryland’s public school systems. We are committed to making discipline responsive to students’ behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **CRSD opposes HB 1468**, which would require parents to seek out and participate in counseling with their child if the child engages in “violent and disruptive behavior” at school and face criminal conviction if they fail to do so.

CRSD recognizes the benefits of counseling and its potential effectiveness in the lives of students. However, HB 1468 would not be effective for the following reasons.

First, HB 1468 penalizes parents rather than focusing on the accessibility of counseling to every student. The bill specifically mandates counseling in response to the behavior of students in public schools but does not hold the school accountable for providing counseling, mediation, or trauma informed practices. The bill establishes that the notification to the parent mandating counseling shall include “referrals to community resources and other appropriate counseling services.” However, there is no guarantee that the community resources and counseling services recommended to the parent will be available free of charge. The inevitable result is that many lower income parents will be unable to comply with the counseling requirement, and face conviction as a result. If the school is not required to provide free counseling to the students in question, then parents who are unable to afford other counseling services or do not have access to the appropriate healthcare will be unjustly penalized.

Second, the behavior that triggers required counseling, “two or more incidents of violent and disruptive behavior,” is vague and could include any two run of the mill schoolyard fights during a given school year. The bill mandates counseling without a proper analysis of whether the student exhibits chronically violent or disruptive behavior. No parent should be at the risk of conviction due to incidents that could be resolved by effective practices in school settings.

Third, the bill does not clarify the parameters of the parent’s participation in counseling services. The parent or guardian must “seek and participate in counseling with their child.” To what extent the parent is legally required to participate is unclear. If a parent is required to invest a significant amount of time participating in counseling, the bill would penalize parents for potential scheduling conflicts.

Fourth, the proposed court order for convicted parents to perform community service is not constructive to solving the issue at hand. If a student exhibits violent or disruptive behaviors at school and is unable to access counseling for any reason, mandating the parent or guardian to spend time in community service will only cause more strain on the family while doing nothing to remedy conflicts or behavioral issues at school. A bill that claims to prioritize the well-being of students, schools, and families should not criminalize parents while neglecting the concerns of violence and disruption.

Finally, counseling is not likely to remedy the underlying behavioral or mental health issues if students are forced to participate, especially if the counseling is framed as a response to a school discipline issue. Forcing parents to seek and participate in counseling with their children under the threat of conviction is not likely to result in effective counseling outcomes. While counseling has a great potential to help students, it is more likely to be effective if counseling is made voluntary and accessible to students.

HB 1468 is not an effective mechanism in helping students with behavioral or mental health needs. Rather, it unnecessarily penalizes parents without providing the infrastructure necessary to obtain the required mental health services.

**For these reasons, the CRSD strongly opposes House Bill 1468.**

For more information contact:

Monisha Cherayil  
Staff Attorney, Public Justice Center  
410-625-9409  
cherayilm@publicjustice.org

### **CRSD Members**

ACLU-Maryland  
Advocates for Children and Youth  
The Arc Maryland  
Bazelon Center  
Bmore Awesome Inc.  
The Choice Program at UMBC  
Disability Rights Maryland  
Family League of Baltimore  
Gail Sunderman  
Lindsay Gavin  
Lydia X. Z. Brown  
NARAL- Pro-Choice Maryland  
Office of the Public Defender

Positive Schools Center  
Project HEAL at Kennedy Krieger Institute  
Public Justice Center  
Restorative Response Baltimore  
Teachers' Democracy Project  
University of Baltimore School of Law Sayra  
and Neil Meyerhoff Center for  
Families, Children and the Courts  
University of Maryland Francis King Carey  
School of Law - Youth, Education  
and Justice: Legal Theory and  
Practice Clinic  
Youth As Resources