



Youth As Resources, Inc. (YAR)
111 North Charles Street, suite 502
Baltimore, MD 21201
(410) 576-9551x1
www.youthasresources.org

Education – Crimes on School Grounds – Application

Presented to the Honorable Vanessa E. Atterbeary and Members of the House Ways and Means
Committee

January 20, 2022, 1pm

POSITION: SUPPORT

Testimony of Youth As Resources

Youth As Resources **strongly supports HB84/SB119 – Education – Crimes on School Grounds – Application**, introduced by Delegate Sheila Ruth and Senator Mary Washington. We urge the House Ways and Means Committee to issue a favorable report on this bill.

Maryland’s legal system contains many laws that unnecessarily bring young people, and disproportionately youth of color, to the attention of the justice system. Most often, this is for behaviors that are typical adolescent behavior. HB84/SB119 would amend part of the Maryland Education Code to prevent students from being charged with a misdemeanor crime if they “willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education” or “threaten” students or staff. **This law perpetuates the School-to-Prison pipeline in Maryland, with 1,700 referrals to the Maryland Department of Juvenile Services for this reason in just Fiscal Year 2019 alone.**¹

Youth As Resources (YAR) Youth As Resources, (YAR) is a youth-led grantmaking, community organizing and leadership development non-profit organization. We provide the funding, training, and support to Baltimore youth to develop strategies that address our critical issues

¹ Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2019, pg. 238 (December 2019), available at https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf.

and positively impact the community. We are governed by a Board of Directors currently comprised of 20 youth and young adults (ages 14-24), The Board adopts an issue organizing and advocacy agenda each year. School police accountability, school climate, disability awareness, mental health and supporting efforts around youth homelessness are our priorities for direct organizing and youth leadership. We train and support an average of 500 of our peers each year as organizers, leaders, and strategic planners.

We choose to support this bill because it directly impacts ourselves and our peers. We are all young people of color in Baltimore City. We attend Baltimore City Schools or are recent graduates. Our advocacy and organizing work all aims to disrupt the school-to-prison pipeline from developing the next generation of non-traditional leaders to organizing our peers to hold school police accountable to educating the community around disability rights and working with youth who have disabilities both seen and unseen.

This provision of the Maryland Education Code is so broad that youth can currently be charged with a crime for behaviors that should be handled within a school or school district.

Not only that, Maryland Courts have said that students are **not exempt** from being charged with this crime because they have “behavior problems,” which means that **the law can be used to criminalize youth with learning disabilities, intellectual disabilities, physical disabilities, and other types of disabilities.**² Finally, the term “disturbing” is vague and, therefore, highly discretionary and susceptible to disparate application to youth of color: **in Fiscal Year 2020, 82% of referrals to DJS for this reason were for youth of color.**³

This part of the Maryland Education Code also runs directly counter to the goals of promoting academic achievement and success, as arresting young people and referring them to court is associated with worse educational outcomes.

In a large-scale study of young people in the National Longitudinal Survey of Youth who were arrested during their high school years, youth who were formally processed in court proved far more likely to drop out of school than those who were not formally processed.⁴ Even after controlling for a wide variety of demographic, socioeconomic, academic, and behavioral factors, formal processing in juvenile court sharply reduced the likelihood that young people would graduate from high school.

Current State Board of Education regulations stating that youth should not be referred to the juvenile justice systems for matters that can be handled through the school’s disciplinary process are not sufficient to remedy this problem, particularly given the fact that the

² *In re Nahif A.*, 123 M.D. App. 193, 206 (Md. Ct. Spec. App. 1998).

³ Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2020, pg. 252 (December 2020), available at https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2020.pdf.

⁴ Sweeten, G. (2006). Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. *Justice Quarterly*. 23(4). Retrieved from www.masslegalservices.org/system/files/library/H.S.ed_and_arrest_-_ct_involvement_study_by_Sweeten.pdf.

Department of Juvenile Services receives hundreds of referrals per year for this offense. **This law has become a part of Maryland's school-to-prison pipeline. It must be amended to ensure that it does not continue to be part of that pipeline.**

It is important to us that adolescent behavior is not criminalized. Restorative practices, diversion and other strategies that do not include the justice system increases our life chances.

Schools should rely on other options to respond to any situations that arise, including handling the situation through the school's behavior management system or diverting youth to social service agencies, community-based organizations, or local management boards in lieu of charging them with a crime. And, if a young person does engage in a serious criminal act, Maryland's Criminal Code already allows for a referral for a criminal offense. This provision has no place in our education laws.

For these reasons, Youth As Resources strongly supports HB84/SB119 and urges the Committee to issue a favorable report.