
TO: Senate Education, Energy, and the Environment Committee
BILL: House Bill (HB) 730 - Education - Course on Collateral Consequences of a Criminal Conviction
DATE: April 2, 2024
POSITION: Oppose

Chair Feldman and Members of the Senate Education, Energy, and the Environment Committee:

The Maryland State Board of Education (State Board) and the Maryland State Department of Education (MSDE) respectfully oppose **HB 730**, which would require MSDE to develop an instructive program for students in grades 6 through 8 about the “collateral consequences of a criminal conviction.” The program would be provided to students who are returning to the classroom after an in-school suspension or who are returning to school after an out-of-school suspension. HB 730 defines “collateral consequences of a criminal conviction” as legal penalties that take away an individual’s rights or access to programs or services or impose another type of disadvantage that punishes an individual but is not part of the individual’s sentence imposed after conviction of a crime.

Currently, Maryland Local Education Agencies (LEAs) develop policies and procedures to address student discipline in their local codes of student discipline, which are aligned with the Maryland Guidelines for a State Code of Discipline. The Maryland Guidelines focus on progressive discipline and restorative approaches. It is important to note that disciplinary infractions, in most cases, are not criminal acts and are handled through the school disciplinary process. Mandating a specific consequence that involves instruction on collateral consequences of a criminal conviction for a disciplinary infraction may be confusing to students and imply that disciplinary infractions are equivalent to criminal acts.

The proposed requirement is contradictory to this current approach. It could send the message to students that infractions that result in in-school or out-of-school suspension are considered by the school to be a pre-cursor of future criminal activity and may put a student at greater risk for involvement in the “school-to-prison pipeline.” A student who has a disciplinary infraction as sixth, seventh, or eighth grader should be engaged to reflect on their behavior. It is anticipated that parents and guardians would also understand the proposed intervention to be a judgment of the student, rather than a supportive interaction.

MSDE and Maryland public schools continue to implement disciplinary approaches to counter trends of disproportionate application of disciplinary action for African American students and students with disabilities. Based on the data, the proposed intervention would also be implemented more often for these groups of students, compared to their peers.

Further, the language of HB 730 appears to conflate school discipline as defined in the Code of Maryland Regulations (COMAR) 13A.08.01.11 – Disciplinary Action and the Criminal Procedure Article of the Annotated Code of Maryland.

The State Board and MSDE request that the committee consider this information on **HB 730**. Please contact Dr. Akilah Alleyne, Executive Director of Government Affairs, Education Policy, and Government Relations, at Akilah.alleyne@maryland.gov or at 410-767-0504 or Zach Hands, Executive Director of the State Board, at Zachary.hands1@maryland.gov or at 443-915-6094, if you would like any additional information.