



POSITION ON PROPOSED LEGISLATION

BILL: HB 700 - Education – Disruption of School Activities – Repeal of Prohibition

POSITION: Favorable

DATE: March 26, 2021

As a public defender representing children charged in juvenile court in Anne Arundel County, I have repeatedly witnessed the overwhelming number of juvenile citations and arrests that arise from developmentally normal adolescent behavior. The underlying incidents leading to school-based citations and arrests pursuant to Maryland Education Code § 26-101 are a striking example of the criminalization of childhood behaviors.

In my experience over the past eight years, I have seen youth - some as young as elementary and middle school aged - charged under § 26-101 for behaviors such as throwing a fruit snack at another student, attempting to toss a water bottle like a basketball into a trash can, engaging in a mutual fight with another student resulting in no injuries, refusing to leave an interior hallway because of rainy weather outside, and verbal disagreements between two students where no physical contact took place.

In addition to criminalizing adolescence, § 26-101 is disparately utilized against Black students, directly funneling these youth into the school to prison pipeline. In Anne Arundel County, despite Black children comprising only 21.1%¹ of the total number of enrolled students, 70%² of the children cited for disruption at school during the 2018-2019 school year were Black.

Further, § 26-101 also criminalizes the behavior of children with disabilities. School resource officers are citing and arresting youth with disabilities, despite the existence of special education plans that set forth recommended interventions and responses to anticipated behaviors. I have witnessed numerous instances where a student's behavior has been deemed a manifestation of his or her disability, yet charges under § 26-101 are still initiated and pursued.

Schools are equipped to take disciplinary action to address age-appropriate behaviors that occur in an educational setting. § 26-101 is unnecessary, overly broad, disparately applied, and perpetuates the lifelong damage and trauma caused by involvement in the

¹ Maryland State Department of Education, *Maryland Public School Enrollment by Race/Ethnicity and Gender and Number of Schools September 30, 2019*, available at <http://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20192020Student/2020EnrollRelease.pdf>

² Maryland State Department of Education, *Maryland Public Schools Arrest Data: School Year 2018-19*, available at <http://marylandpublicschools.org/stateboard/Documents/2020/0623/MarylandPublicSchoolsArrestData20182019.pdf>

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school to prison pipeline. Accordingly, I urge the committee to issue a favorable report on House Bill 700.

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