



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Sponsor Testimony in Support of HB0700
Education - Crimes on School Grounds – Exemptions

Delegate Sheila Ruth

March 30, 2021

I was shocked to learn that students can be arrested and charged with a misdemeanor for acting up in school in ways that are typical adolescent behavior. Maryland Education Code Section 26-101 makes it a crime to “...willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education.”

Adolescent brains are still developing, and they lack the impulse control that gives most adults the ability to filter their words and actions. Anyone who’s ever been the parent of a teen knows that defiance and anger are part of the territory. That doesn’t mean that we should accept such behavior. Part of adolescence is learning impulse control and appropriate behavior. But the criminal justice system is not the answer.

The penalty for the “crime” of acting like a teen could be a fine of up to \$2500 or 6 months in prison. But even cases where these penalties are not applied can still have serious consequences for the young person. [A 2006 study](#) found that “first-time arrest during high school nearly doubles the odds of high school dropout, while a court appearance nearly quadruples the odds of dropout.” The consequences of charging a teen for acting like a teen are potentially long-term and devastating, and play a role in the school-to-prison pipeline.

One vivid memory brought home to me the seriousness of this law. One day when I was in middle school, I borrowed my brother’s softball glove to take to school for phys-ed. I promised him I would take care of it and bring it home so that he would have it on the weekend. On Friday afternoon, I was on the school bus when I realized I’d left his glove in my locker. I asked the bus driver if I could go back and get it, and she said that since the bus was about to leave, I couldn’t. I panicked, knowing that if I didn’t get it, my brother wouldn’t have it on the weekend and I would have broken my promise. So I started screaming and cursing at the bus driver. I remember someone telling me afterwards that the bus driver felt threatened, but I hadn’t meant to threaten her and I wouldn’t have done anything to her. I was just panicking at the thought of letting my brother down. I know there were consequences, but I don’t remember what they were. However,

the consequences did not include criminal charges. The truth is, even if this law had been enforced when I was a student, as a white child I probably wouldn't have been charged.

The consequences of this law impact most heavily on Black, Brown, and disabled children. According to 2020 data, 82% of children charged with disturbing school activities or personnel were Black children and children of color. Because of implicit bias, people will often perceive behavior of Black children as more threatening compared to white children of the same age. Studies have shown that white adults tend to overestimate the age of Black children, leading to unrealistic behavioral expectations.

The disturbing school statute also disproportionately impacts disabled children. Although we don't have statistics on numbers of disabled students charged under this specific law, children with disabilities more generally represent 23% of school arrests, but only 12% of the student population. Students with developmental disabilities may, due to their disabilities, act out in ways that might be wrongly perceived as threatening.

This law wasn't even originally intended for the way it's being used. The school disturbance laws were passed around the country in the late 1960s targeted at Black student-led protests against segregation. It wasn't until the late 1990s – around the same time that police started being embedded in schools – that it started being applied to internal school discipline issues.

As originally filed, HB700 would have repealed this law. However, educational institutions were concerned that a full repeal would open a door for individuals not associated with the institution to come onto campus and put students or teachers at risk, so we amended it to keep the law in place, but protect students from being charged.

HB700 has the support of the Legislative Black Caucus and the Latino Caucus.

How many lives have been shattered under the school disturbing statute? Black Lives Matter is not just about police killings; it's essential that we change all the ways that our society and our law devalues and destroys Black lives. Let's change this unjust law before any more children's lives are destroyed. I ask for a favorable report on HB700.