

# **Testimony In Support of HB 700 Disruptive Behavior**

Uploaded by: Ceruolo, Rich

Position: FAV

February 7, 2021

Maryland House of Delegates  
6 Bladen St.  
Annapolis, MD. 21401

**In Support of HB 700: Education – Disruption of School Activities – Repeal of Prohibition**

Members of the House Ways and Means House Committee.

As a parent and advocate for persons with disabilities, and education reforms, I fully support the changes to the language within Education Article 26-101.

I feel that some of the language used within this bill was too broadly defined and did not take into account a student that disrupts class and school activities due to their disabilities. A child with disabilities is not “willfully” disrupting school activities when their disability interferes with their access to and ability to learn within their daily education curriculum or IEP.

As parents and advocates for children with disabilities, we FULLY support any piece of legislation that brings about more equity to the discipline policies within Maryland schools. And a bill that helps to increase the equity and equality for black students, brown students and all those students with disabilities, is a great one. No longer should we tolerate students being removed from their learning environment and being placed into handcuffs; the start of the school to prison pipeline. This is a story too often told in our public schools. Simply put, this story MUST change if we hold out hope for improving the outcomes of all Maryland students.

Interactions with public school SRO’s, and local police officers often leave a negative (sometimes deadly), long lasting physical, and mental impact on a child. Negatively impacting their ability to feel safe or to prosper in their learning environment. Behave or be placed into handcuffs and possibly fined! What kind of lesson is that to impart on any Maryland student?

Please help to support all of our students so that they can gain the skills and education, so that all can reach their full potential and achieve great heights.

We ask that you please support House Bill 700 and revise the language contained within education article 26-101. Please return a favorable report on HB 700.

Thank you for your time and your consideration of my testimony today.

Mr. Richard Ceruolo  
Parent and advocate for persons living with disabilities  
Parent Advocacy Consortium

## **MAREE\_FAV\_HB0700.pdf**

Uploaded by: douglass, sharlimar

Position: FAV



Maryland Alliance for  
Racial Equity in Education

**Testimony in FAVOR of HB0700**

Disruption of School Activities – Repeal of  
Prohibition

Ways and Means Committee

February 10, 2021

Dear Honorable Chair Anne Kaiser and Members  
of the Appropriations Committee:

The Maryland Alliance for Racial Equity in Education (MAREE) a coalition of education advocacy, civil rights, and community-based organizations that are committed to eliminating racial disparities in Maryland's education system is pleased to provide favorable testimony for House Bill 0700 Disruption of School Activities – Repeal of Prohibition.

Maryland's legal system contains many laws that unnecessarily bring young people, and disproportionately youth of color, to the attention of the criminal justice system. Most often, this is for subjective offenses that has been used to disproportionately suspend Black students from

school. [Kayla Patrick](#), Senior Policy Analyst, at the Ed Trust argues that "Black, Latina, and Native American girls are too often suspended for minor subjective offenses, which may be informed by race- and sex-based biases. For example, Black girls who are outspoken in class, who stand firm in their beliefs, or who use their voice to disrupt injustices, are often disciplined through exclusionary methods."

HB 700 would repeal part of the Maryland Education Code that allows students to be 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.**<sup>1</sup>

**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

---

<sup>1</sup> 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](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf).

“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.**<sup>2</sup> 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.**<sup>3</sup>

**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.<sup>4</sup> 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 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 should be removed from the Maryland Education Code altogether.**

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, we strongly support HB 700 and urge the Committee to issue a favorable report.**

**For these reasons, MAREE strongly urges a favorable report on HB0700.**

---

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

<sup>3</sup> 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](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2020.pdf).

<sup>4</sup> 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](http://www.masslegalservices.org/system/files/library/H.S.ed_and_arrest_-_ct_involvement_study_by_Sweeten.pdf).

## **Egan Written Statement for HB 700 - Baltimore City**

Uploaded by: Egan, Jenny

Position: FAV



## POSITION ON PROPOSED LEGISLATION

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

**POSITION:** Favorable

**DATE:** February 8, 2021

For five years, as a public defender primarily representing children charged in juvenile and adult court in Baltimore City, so many children were charged with disturbing school activities my entire job was focused on school-based arrests. Too often, I saw arrests for normal adolescent behavior. The criminalization of childhood is increasingly apparent when looking at school-based arrests under Maryland Education Code §26-101. I have seen youth charged under §26-101 for ordinary childhood behavior such as a fighting over a Pokémon card, throwing rocks at recess, mutual fight between two students, middle school kids throwing food at each other, and playground disagreements that ended not with fists but with words.

§26-101 is disparately applied to Black students in Baltimore City, thus funneling them directly into the school to prison pipeline. In Baltimore City, Black youth bear the brunt of those arrests: 86% of children arrested for disruption at school were Black,<sup>1</sup> even though Black children are only 75% of enrolled students in Baltimore City schools.<sup>2</sup> This disparity isn't unique to Baltimore City: in Baltimore County, 63% of the children arrested for disruption were Black even though they are only 39% of enrolled students.<sup>3</sup>

§26-101 is also used to criminalize the behavior of children with disabilities. I have represented dozens of students charged with Disruption of School Operations for behavior anticipated by their special education plans. In many of those situations, although the school disciplinary process followed the process for children with disabilities and responded in accordance with the child's needs, the school police officer still charged the child, forcing them to appear for an intake hearing at the Department of Juvenile Services or in juvenile court for behavior that was deemed to be a manifestation of their disability.

---

<sup>1</sup> 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>

<sup>2</sup> 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>

<sup>3</sup> *Id.*

For further information please contact Michal Gross, Assistant Public Defender and subject matter expert, at [michal.gross@maryland.gov](mailto:michal.gross@maryland.gov) or Krystal Williams, Director, Government Relations Division, at [krystal.williams@maryland.gov](mailto:krystal.williams@maryland.gov) or by phone at 443-908-0241.

I have seen too many children dragged through the juvenile court process for behavior that is age-appropriate and has already been addressed through the school disciplinary process. I therefore urged the committee to issue a favorable report on House Bill 700.



## **2021 MSPA HB 700 House Side.pdf**

Uploaded by: Faulkner, Rachael

Position: FAV



Delegate Anne R. Kaiser, Chair  
Delegate Alonzo T. Washington, Vice Chair  
Ways and Means Committee  
House Office Building, Room 131  
Annapolis, MD 21401

February 10, 2021

**Bill: House Bill 700 – Education - Disruption of School Activities - Repeal of Prohibition**

**Position: Support**

Dear Chairman Kaiser, Vice Chair Washington, and Members of the Committee:

I am writing on behalf of the Maryland School Psychologists' Association (MSPA), a professional organization representing about 500 school psychologists in Maryland. We advocate for the social-emotional, behavioral, and academic wellbeing of students and families across the state.

Many students who exhibit disruptive behavior in school are in fact communicating their mental and emotional distress in the only way they know how. HB 700 would remove school disruption from the short list of criminal offenses that are specific to and typically enforced in schools. It is unconscionable that these children can be arrested and charged with a criminal offense especially as these arrests disproportionately affect students of color.

HB 700 will help us to break the “school-to-prison” pipeline which derails the lives of too many Maryland students. Schools need better and more humane, student-centered discipline procedures, integrated with comprehensive systems of emotional and behavioral support for these students with such needs. School psychologists stand ready to help our schools to develop and to grow these supports, and to provide the mental health supports many of the students need.

For these reasons, we urge a favorable report on HB 700. If we can provide any additional information or be of any assistance, please contact us at [legislative@mspaonline.org](mailto:legislative@mspaonline.org) or Rachael Faulkner at [rfaulkner@policypartners.net](mailto:rfaulkner@policypartners.net) or (410) 693-4000.

Respectfully submitted,

Kyle Potter, Ph.D., NCSP  
Chair, Legislative Committee  
Maryland School Psychologists' Association

# **PeoplesCommissionTestimony\_2021\_HB700.docx.pdf**

Uploaded by: Freeman, Iman

Position: FAV



## **Testimony in Favor of House Bill 700 - Education - Disruption of School Activities - Repeal of Prohibition**

**TO:** Chair Kaiser, Vice Chair Washington, and Members of the House Ways and Means Committee

**FROM:** Iman Freeman, Director of Baltimore Action Legal Team on behalf of The People's Commission to Decriminalize Maryland

**The People's Commission to Decriminalize Maryland strongly supports House Bill 700**, sponsored by Delegate Sheila Ruth, and we urge the House Ways and Means Committee to issue a favorable report on this bill. The People's Commission was created to reduce the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability or socioeconomic status.

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 behaviors. HB 700 would repeal part of the Maryland Education Code that allows students to be 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.**<sup>1</sup>

**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**, including making an impulsive comment in the heat of the moment or refusing to immediately follow directions from school staff. 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.**<sup>2</sup>

---

<sup>1</sup> 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\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf).

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

Finally, the term “disturbing” is vague and, therefore, highly discretionary and susceptible to disparate application to youth of color.

**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.<sup>3</sup>

Current State Board of Education regulations state that youth should not be referred to the juvenile justice systems for matters that should be handled through the school’s disciplinary process. But it is clear that this is not adequate, given the fact that the Department of Juvenile Services receives hundreds of referrals per year for this offense. **This shows that the law has become a part of Maryland’s school-to-prison pipeline. It should be removed from the Maryland Education Code altogether.**

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, the People’s Commission to Decriminalize Maryland strongly supports HB 700 and urges the Committee to issue a favorable report.**

---

<sup>3</sup> 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](http://www.masslegalservices.org/system/files/library/H.S.ed_and_arrest_-_ct_involvement_study_by_Sweeten.pdf).

## **OPD Written Testimony for HB 700 - Baltimore Count**

Uploaded by: Gross, Michal

Position: FAV



## POSITION ON PROPOSED LEGISLATION

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

**POSITION:** Favorable

**DATE:** February 8, 2021

My name is Michelle Kim, and I am a juvenile public defender representing children in Baltimore County. I see firsthand the fear, distress, and embarrassment experienced by children and their families when students (including elementary school students) are arrested and hauled into court under Maryland Education Code §26-101 for childish behavior that had traditionally been handled effectively at school and home. This statute criminalizes what it terms broadly ‘disturbances’--the kind of ordinary behavior exhibited by children and teens such as mutual student fights, roaming the hallways, and arguing with teachers--that used to be managed through school sanctions, and now is funneled to the criminal courts system with its burdensome costs and collateral consequences.

The use of §26-101 to criminalize our students is a major problem in Baltimore County and is used disproportionately against students of color and disabled children. In the 2018-2019 school year, ‘disruption’ (and its related offense ‘disrespect’) was the number one offense for which children were arrested in Baltimore County. The statute targets Black children: 63% of children arrested for disruption at school were Black,<sup>1</sup> even though Black children are only 39.5% of students in Baltimore County schools.<sup>2</sup> Even more blatantly, 100% of students arrested for ‘disrespect’ (already a problematic determination of itself) were Black children.<sup>1</sup>

At its most damaging, Maryland Education Code §26-101 targets and stigmatizes predominantly Black children for ordinary adolescent behavior that has been addressed already through school and family discipline, and steers them into the criminal court system with all its attendant harms. We can do better for the children of Maryland by repealing this unnecessary and detrimental statute. I respectfully urge the committee to issue a favorable report on House Bill 700.

---

<sup>1</sup> 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>

<sup>2</sup> 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>

For further information please contact Michal Gross, Assistant Public Defender and subject matter expert, at [michal.gross@maryland.gov](mailto:michal.gross@maryland.gov) or Krystal Williams, Director, Government Relations Division, at [krystal.williams@maryland.gov](mailto:krystal.williams@maryland.gov) or by phone at 443-908-0241.

# **OPD Written Testimony for HB 700 - Southern MD.pdf**

Uploaded by: Gross, Michal

Position: FAV





## POSITION ON PROPOSED LEGISLATION

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

**POSITION:** Favorable

**DATE:** February 8, 2021

As a public defender primarily representing children charged in juvenile and adult court in Southern Maryland, I too often see arrests for normal adolescent behavior. The criminalization of childhood is increasingly apparent when looking at school-based arrests under Maryland Education Code §26-101. I have seen youth charged under §26-101 for ordinary childhood behavior such as a mutual fight between two students, middle school kids throwing food at each other, and playground disagreements that ended not with fists but with words.

§26-101 is disparately applied to Black students in Southern Maryland, thus funneling them directly into the school to prison pipeline. In Charles County, Black youth bear the brunt of those arrests: 88% of children arrested for disruption at school were Black,<sup>1</sup> even though Black children are only 55% of enrolled students in Charles County schools.<sup>2</sup> This disparity isn't unique to Charles County: in Saint Mary's County, 71% of the children arrested for disruption were Black even though they are only 18% of enrolled students.<sup>3</sup>

§26-101 is also used to criminalize the behavior of children with disabilities. I have seen students charged with Disruption of School Operations for behavior anticipated by their special education plans. In many of those situations, although the school disciplinary process followed the process for children with disabilities and responded in accordance with the child's needs, the school police officer still charged the child, forcing them to appear for an intake hearing at the Department of Juvenile Services or in juvenile court for behavior that was deemed to be a manifestation of their disability.

I have seen too many children dragged through the juvenile court process for behavior that is age-appropriate and has already been addressed through the school disciplinary process. I therefore urge the committee to issue a favorable report on House Bill 700.

Michal Gross, Assistant Public Defender

---

<sup>1</sup> 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>

<sup>2</sup> 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>

<sup>3</sup> *Id.*

For further information please contact Michal Gross, Assistant Public Defender and subject matter expert, at [michal.gross@maryland.gov](mailto:michal.gross@maryland.gov) or Krystal Williams, Director, Government Relations Division, at [krystal.williams@maryland.gov](mailto:krystal.williams@maryland.gov) or by phone at 443-908-0241.

# **OPD Written Testimony for HB 700.pdf**

Uploaded by: Gross, Michal

Position: FAV



## POSITION ON PROPOSED LEGISLATION

BILL: HB 700 - Education – Disruption of School Activities – Repeal of Prohibition  
POSITION: Favorable  
DATE: February 8, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 700.

As public defenders, we represent children charged in juvenile and adult court, many for incidents that occurred at school. Too often, those arrests are the result of normal adolescent behavior that is disparately criminalized, directly funneling Black students and children with disabilities into the school to prison pipeline. According to the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices' December 2018 report, "[t]he most common arrests in school are simple assault...and the vague category of 'disorderly conduct,' which could be a temper tantrum, cursing, or talking back to a teacher. In other words, '**children develop arrest records for acting like children.**'"<sup>1</sup> These are the traumatic arrests that HB 700 would prevent.

Maryland Education Code §26-101, which HB 700 would repeal, is an unnecessary and overbroad statute that criminalizes children's behavior at school. The provisions of §26-101 that cover actual disruptive or threatening behavior are already criminalized by Maryland's Criminal Code; the remainder consists of vague language covering a range of developmentally appropriate behavior that is disparately applied to Black students and children with disabilities. In 2020, 82% of those referred to the Department of Juvenile Services for an intake hearing for Disturbing School Activities or Personnel were youth of color.<sup>2</sup> The disparities for non-white children begin with school-based arrests based on §26-101: despite representing only 33% of students enrolled in Maryland's public schools,<sup>3</sup> 57% of students arrested for disruption in the 2018-2019 school year were Black.<sup>4</sup> Similarly, 69% of children arrested for making threats to adults were non-white students, as were 55% of those arrested for threats to other students.<sup>5</sup> Children with disabilities are also disproportionately charged: although data as to specific charges is

---

<sup>1</sup> Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, *Final Report and Collaborative Action Plan* at 26, available at <http://marylandpublicschools.org/stateboard/Documents/AAEEBB/CommissionSchoolPrisonPipeline.pdf>.

<sup>2</sup> Maryland Department of Juvenile Services, *Data Resource Guide Fiscal Year 2020* at 252, available at [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2020.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2020.pdf).

<sup>3</sup> 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>.

<sup>4</sup> 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>.

<sup>5</sup> *Id.*

For further information please contact Michal Gross, Assistant Public Defender and subject matter expert, at [michal.gross@maryland.gov](mailto:michal.gross@maryland.gov) or Krystal Williams, Director, Government Relations Division, at [krystal.williams@maryland.gov](mailto:krystal.williams@maryland.gov) or by phone at 443-908-0241.

not available, students with Individual Education Programs (IEP), one of two special education classifications, are only 12% of the student population in Maryland yet they receive 23% of school-based arrests.<sup>6</sup>

§26-101 is also disparately applied across the state, thus subjecting children attending one school to arrest for normal adolescent behavior while those attending schools in a neighboring district can continue to behave like children. This disparity exists even when comparing students attending schools in similarly situated communities across the state. In 2020, while 51 students were arrested in Montgomery schools for Disturbing School Activities or Personnel, 217 students were arrested in Baltimore County schools; in Western Maryland, 104 were arrested on that charge in Washington County compared to 9 in Garrett County; on the Eastern Shore, 198 were charged for Disturbing School Activities or Personnel in Wicomico while 9 were arrested in Talbot; and in Southern Maryland, 86 students were arrested in Saint Mary's compared to 39 in Calvert.<sup>7</sup>

These disparities are all the more disturbing when looking at the specific behavior charged as a violation of §26-101. Take, for example, DJ, a Black special education student in Charles County. DJ was charged with Disturbing School Operations and Disorderly Conduct for roaming the school halls instead of remaining in the office. The disturbance: an art teacher closed the door to the classroom and yearbook staff stepped aside when DJ passed, all while being followed by the school police officer and principal. The disorderly conduct: DJ recording on his phone and using profanity. The police officer used force, pushing DJ, then a 9<sup>th</sup> grade student, into the lockers and knocking him to the ground because the officer said DJ didn't give him one of his wrists. The officer then paraded DJ through the school in handcuffs. Although the Department of Juvenile Services closed the case at intake because the behavior had been managed through the school disciplinary process, the school police officer appealed that decision and DJ was forced to endure the process of juvenile court.

While the language contained in §26-101 may not seem nefarious, the application of §26-101 to students such as DJ certainly is. School is a place where children are sent to learn. An important part of that learning – especially for students with disabilities – is making mistakes and learning from those experiences. While the behavior of a student may be disruptive, and children will say things while frustrated, these are all normal adolescent behavior. We urge the committee to end this punitive practice of criminalizing kids for being kids.

\* \* \*

For these reasons, the Maryland Office of the Public Defender respectfully urges a favorable report on House Bill 700.

---

<sup>6</sup> *Id.*

<sup>7</sup> See Data Resource Guide, *supra* note 2

# **Testimony In Support of HB 700 Repeal of Maryland**

Uploaded by: McCoy, Niesha

Position: FAV

**Written Testimony In Support Of HB 700**

My name is Niesha McCoy. I am submitting written testimony in support of HB 700, that has been introduced by Delegate Sheila Ruth. HB 700 would repeal section 26-101, of the Maryland Education Code that would allow students to be charged with a misdemeanor crime if they “willfully disturb or otherwise willfully prevent the orderly conduct of the activities of the administration, or classes of any institution of elementary, secondary, or higher education” or “threaten” students and staff. This section of the education code runs counter to the goals of promoting student success and academic achievement because it allows a child to be labeled as a “criminal” for typical adolescent behavior. That label can potentially follow them throughout their school career and possibly their life. According to the Maryland Juvenile Justice, in Fiscal Year 2019, there were 1,700 referrals for young people being charged with disturbing classroom activities. The term “disturbing” is vague and could allow for highly discretionary application of the law, especially among students of color who make up 31% of the population but 63% arrests due to disturbing classroom activities and worsen the school to prison pipeline. When I attended school, many students were disruptive in class, sometimes talking back, refusing to follow directions, or making impulsive statements. While they were disciplined for this behavior by being given detention, being sent to the principal’s office, having their parents called, and faced suspension or expulsion from school, they were in no way criminalized for acting as a young person who misbehaves does. Also, students who find themselves charged with disturbing school activities are often dealing with trauma and abuse from home. I have a friend who got in trouble when he was in high school due to his problems at home but fortunately due to his disability, he was given counseling.

Another problem with section 26-101 is that the Maryland Courts have said that students are not exempt from a crime due to their behavior. This is harmful for students who have learning disabilities, intellectual, and other types of disabilities. For example, a student with a disability might have some behavior issues that is inherently related to their disability. Instead of the teacher dealing with the behavior by placing the student in “time out”, sending them to the principal’s office or having a counselor deal with them, the teacher might have the police called to deal with the behavior, which can ultimately lead to the student being arrested and taken to the police station.

It is imperative that 26-101 of the Maryland Education Code be repealed and alternatives be found. Young people need support not criminalization for typical bad behavior of an adolescent.

## **Final signed\_Ruth LOS HB 0700**

Uploaded by: Ruth, Delegate Sheila

Position: FAV



# LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401

410-841-3557 • 301-858-3557 • 800-492-7122 Ext. 3557 • Fax 410-841-3498 • 301-858-3498 • Black.Caucus@house.state.md.us

## EXECUTIVE OFFICERS

### **Chair**

Delegate Darryl Barnes, District 25

### **1st Vice Chair**

Delegate Melissa Wells, District 40

### **2nd Vice Chair**

Delegate Gabriel Acevero, District 39

### **Treasurer**

Delegate Ron Watson Ph.D., District 23B

### **Secretary**

Delegate Charlotte Crutchfield, District 19

### **Financial Secretary**

Delegate Mike Rogers, District 32

### **Chaplain**

Senator Joanne C. Benson, District 24

### **Parliamentarian**

Delegate Jheanelle Wilkins, District 20

### **Historian**

Delegate Tolmadge Branch, District 45

### **Executive Director**

Stephanie Hall

## MEMBERS

Senator Malcolm Augustine, District 47  
Senator Jill P. Carter, District 41  
Senator Arthur Ellis, District 28  
Senator Melony Griffith, District 25  
Senator Antonio L. Hayes, District 40  
Senator Michael A. Jackson, District 27  
Senator Delores G. Kelley, District 10  
Senator Cory V. McCray, District 45  
Senator Obie Patterson, District 26  
Senator William C. Smith, Jr., District 20  
Senator Charles E. Sydnor III, Esq., District 44  
Senator Mary L. Washington, Ph.D., District 43  
Delegate Marlon Amprey, District 40  
Delegate Curt Anderson, District 43  
Delegate Vanessa E. Atterbeary, District 13  
Delegate Erik L. Barron, District 24  
Delegate J. Sandy Bartlett, District 32  
Delegate Regina T. Boyce, District 43  
Delegate Chanel A. Branch, District 45  
Delegate Tony Bridges, District 41  
Delegate Benjamin Brooks, District 10  
Delegate Alfred C. Carr, Jr., District 18  
Delegate Nick Charles, District 25  
Delegate Frank M. Conaway, Jr., District 40  
Delegate Debra Davis, District 28  
Delegate Derek E. Davis, District 25  
Delegate Diana M. Fennell, District 47A  
Delegate Wanika Fisher, District 47B  
Delegate Andrea Harrison, District 24  
Delegate Keith E. Haynes, District 44A  
Delegate Shaneka Hanson, District 30  
Delegate Terri L. Hill, District 12  
Delegate Marvin E. Holmes, Jr., District 23B  
Delegate Julian Ivey, District 47A  
Delegate Carl Jackson, District 8  
Delegate Adrienne A. Jones, District 10  
Delegate Rachel Jones, District 27B  
Delegate Jazz Lewis, District 24  
Delegate Robbyn Lewis, District 46  
Delegate Edith J. Patterson, District 28  
Delegate Joseline Peña-Melnyk, District 21  
Delegate Elizabeth "Susie" Proctor, District 27A  
Delegate Pamela Queen, District 14  
Delegate Sheree Sample-Hughes, District 37A  
Delegate Stephanie Smith, District 45  
Delegate Veronica Turner, District 26  
Delegate Jay Walker, District 26  
Delegate Alonzo T. Washington, District 22  
Delegate Nicole Williams, District 22  
Delegate C.T. Wilson, District 28

February 23, 2021

Delegate Anne R. Kaiser  
Chair, Ways and Means

Delegate Alonzo Washington  
Vice Chair, Ways and Means

Dear Chairman Kaiser and Members of the Committee:

The Legislative Black Caucus of Maryland has voted to offer **favorable** support for HB 0700- Education – Disruption of School Activities- Repeal of Prohibition. This bill would repeal the statute that makes "disturbing school activities" a misdemeanor subject to fine of up to \$2500 or incarceration up to 6 months.

The existing law criminalizes normal adolescent behavior and contributes to the school-to-prison pipeline. 82% of students charged for Disturbing School Activities or Personnel in 2020 were BIPOC. The school disturbing statute is duplicative and unnecessary, and if repealed school safety can still be protected with existing criminal statutes.

HB700 would repeal the school disturbing statute, which disproportionately impacts Black students and contributes to the school-to-prison pipeline. Repealing it would reduce the number of Black teens entering the criminal justice system. 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." So by reducing the number of Black students charged, it will also improve dropout rates. For these reasons, the Legislative Black Caucus of Maryland supports HB 0700.

Respectfully,

*Darryl Barnes*

Darryl Barnes  
Chair, Legislative Black Caucus  
of Maryland

*Melissa Wells*

Melissa Wells  
1<sup>st</sup> Vice Chair, Legislative Black  
Caucus of Maryland



# **Amendment-HB0700-733624-01.pdf**

Uploaded by: Ruth, S

Position: FAV



**HB0700/733624/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

04 FEB 21  
12:03:33

BY: Delegate Ruth

(To be offered in the Committee on Ways and Means)

AMENDMENTS TO HOUSE BILL 700

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “**Disruption**” insert “**Threatening Behavior and**”; in line 6, after “education,” insert “repealing a provision of law prohibiting a person from molesting or threatening with bodily harm certain students, employees, administrators, agents, or other individuals who are lawfully on certain grounds, property, or vehicles or attending certain activities; repealing a provision of law prohibiting a person from threatening with bodily harm any employee of any institution of elementary, secondary, or higher education at home by any means; repealing a provision of law authorizing the issuance of an injunction to restrain certain activities; repealing a provision of law providing for a certain penalty for certain activities;”; in the same line, strike “the” and substitute “threatening behavior and”; and in line 8, strike “and reenacting, with amendments,”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 16 on page 2, inclusive.

# **Ruth - HB0700 - support.pdf**

Uploaded by: Ruth, S

Position: FAV



## THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

### Sponsor Testimony in Support of HB0700

Education - Disruption of School Activities - Repeal of Prohibition

Delegate Sheila Ruth

February 10, 2021

HB700 repeals Maryland Education Code Section 26-101, which 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.” 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.

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. Most cases should be handled with internal school behavior management systems.

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](#) showed that high school students charged in criminal court are more likely to drop out by a factor of three. The consequences of charging a teen for acting like a teen are potentially long-term and devastating.

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. This was uncharacteristic behavior for me at the time, but something in my brain just snapped. 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,

it gives me chills to think that under this law I could have been charged with a misdemeanor and processed into the criminal justice system. The outcomes in my life might have been very different, as they are for many adolescents charged under this law.

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. Children with disabilities represent 23% of school arrests, but only 12% of the student population. This law plays a role in the school-to-prison pipeline.

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.

The original text of this bill only repeals 26-101(a), which prohibits disturbing school activities. However, at the request of OPD, I've submitted an amendment repealing the entire section 26-101. The juvenile public defenders tell me that the second part, which prohibits threatening school personnel, is often charged for minor or vague "threats," like my school bus memory. Adolescents can make these kinds of impulsive statements without meaning them. Genuine threats can still be charged under the criminal code.

How many lives have been shattered under this law? 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 repeal this unjust law before any more children's lives are destroyed.

# **HB 700 - CRSD Written Testimony in Support.pdf**

Uploaded by: Tian, Jiexi

Position: FAV

---

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

---

## HOUSE WAYS AND MEANS COMMITTEE HOUSE BILL 700: EDUCATION - DISRUPTION OF SCHOOL ACTIVITIES – REPEAL OF PROHIBITION

FEBRUARY 8, 2021

### POSITION: SUPPORT

The Maryland Coalition to Reform School Discipline (“CRSD”) brings together advocates, service providers, and community members dedicated to 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 strongly supports House Bill 700**, which would repeal Maryland Education Code § 26-101, an overly broad statute that criminalizes behaviors and acts that are criminalized in various provisions of the Maryland Criminal Code, sets forth subjective offenses that disproportionately impacts Black students and students with disabilities, and criminalizes normal adolescent development.

Maryland Education Code § 26-101 is overly broad because it criminalizes a wide range of behaviors, many of which are based on the subjective interpretations of school officials and school police officers. For instance, the statute criminalizes “willful disturbance” of schools. The notion of “disturbance” is exceedingly broad, vague, and subjective. Any number of communications and behaviors – such as words, tone of voice, attitudes, refusals, or defiance – can be interpreted as “willful disturbance.” Thus, a child who is misunderstood, misinterpreted, or agitated is at-risk of being criminalized.

The same is true of a “threat,” which is also criminalized in section 26-101. As set forth in the statute, what constitutes a threat is often based on subjective interpretations by school officials and school police officers. This is particularly problematic because in the school context a perceived “threat” may not be a threat at all. It can be an expression, word, or action that is consistent with normal adolescent behavior. It can also be that the school official or school police officer, clouded by biases attached to race, gender, intersectionality, and/or disability, perceives a student to present or express a “threat” that may be actually be a moment of frustration, an inability to express a feeling, or something else.

The bottom-line is that any variety of words, non-verbal behaviors, and other expressive conduct (perceived or actual) that fall within this statute have been criminalized. As a result, these are crimes rooted not only in the behavior and actions of children in school, but also in the subjective interpretations of these children by school officials and school police officers.

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

These subjective interpretations very much drive and exacerbate the criminalization of Black children and children with disabilities in schools, including in Maryland. In the 2018-19 school year, the number of arrests in Maryland schools for disruption was exceeded by only three other offenses.<sup>1</sup> This same year, over 57% of students arrested in Maryland schools for disruption were Black and more Black girls were arrested for disruption than White males.<sup>2</sup> In this regard, Maryland is not unique, as “[t]he terms ‘threat,’ ‘harm,’ and ‘disruption’ are subjective terms that are more often applied to the behavior of Black girls.”<sup>3</sup> Likewise, “[w]hat is perceived as a threat when committed by Black student is commonly not considered a threat when committed by a White student.”<sup>4</sup>

Moreover, section 26-101 is unnecessary because it is duplicative of crimes set out in the Maryland Criminal Code. Indeed, *every* crime in section 26-101 is covered in other criminal statutes. For example, “willful disturbance” is duplicative of disorderly conduct, which, in the school context is also frequently rooted in subjective interpretations, particularly when school resource officers (SROs) are stationed in schools. An often-cited study comparing schools with SROs to schools without SROs found that SROs “dramatically increase the rate of arrests with disorderly conduct charges . . . .”<sup>5</sup> Also, the “threat” and “molest” crimes in section 26-101 are covered in the Maryland Criminal Code. Accordingly, there is no need for this separate statute.

In addition to its over-breadth and redundancy, section 26-101 distracts from the urgency of implementing alternatives to criminalization for behaviors, words, needs, and issues that are best addressed by recognizing biases, understanding youth brain development (and behaviors that are consistent with normal adolescent development), and providing supports to students, such as counseling and behavioral health services, that keep them in school and away from the juvenile and criminal legal systems. Therefore, repealing section 26-101 is a necessary step to moving away from laws, policies, and practices that have criminalized children – particularly Black children and children with disabilities – in Maryland’s schools, and moving towards the

---

<sup>1</sup> MARYLAND STATE DEP’T OF EDUC., MARYLAND PUBLIC SCHOOLS ARREST DATA, SCHOOL YEAR 2018-19, 12-13, <http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20182019.pdf>

<sup>2</sup> *Id.* at 130.

<sup>3</sup> THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., THURGOOD MARSHALL INSTITUTE, OUR GIRLS, OUR FUTURE: INVESTING IN OPPORTUNITY & REDUCING RELIANCE ON THE CRIMINAL JUSTICE SYSTEM IN MARYLAND 14 (2018), [https://www.naacpldf.org/wp-content/uploads/Baltimore\\_Girls\\_Report\\_FINAL\\_6\\_26\\_18.pdf](https://www.naacpldf.org/wp-content/uploads/Baltimore_Girls_Report_FINAL_6_26_18.pdf).

<sup>4</sup> Jennifer Martin & Julia Smith, *Subjective Discipline and the Social Control of Black Girls in Pipeline Schools*, 13 J. URB. LEARNING, TEACHING AND RESEARCH 63, 64 (2017) (citation omitted), <https://files.eric.ed.gov/fulltext/EJ1149866.pdf>

<sup>5</sup> Matthew T. Theriot, *School Resource Officers and the Criminalization of Student Behavior*, 37 J. CRIM. JUSTICE 280, 285 (2009).



---

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

---

resources, practices, and focus that support students, better address behaviors, and improve long-term outcomes.

**For these reasons, CRSD strongly supports House Bill 700.**

For more information contact:

Elizabeth Bullock,\* Briah Gray,\* Jiexi Tian,\* and Michael Pinard  
Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law  
410-706-3295; elbullock@clinic.law.umaryland.edu; bmgray@clinic.law.umaryland.edu;  
jiexi.tian@clinic.law.umaryland.edu; mpinard@law.umaryland.edu

## **CRSD Members**

### *Organizations*

ACLU of Maryland  
The Arc, Maryland  
Attendance Works  
BMore Awesome, Inc.  
The Choice Program at UMBC  
Community Law in Action  
Disability Rights Maryland  
Family League of Baltimore  
NARAL-Pro-Choice Maryland  
Maryland Office of the Public Defender  
Open Society Institute – Baltimore,  
Project HEAL at Kennedy Krieger Institute  
Public Justice Center  
Restorative Counseling Services  
Schools Not Jails  
Strong Schools Maryland  
Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law

### *Individuals*

Lindsay Gavin, Ph.D.  
Shannon McFadden  
Janna Parker  
Kelsie Reed  
Gail L. Sunderman

\*Student attorneys practicing pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar

# **HPRP Support for HB 700.pdf**

Uploaded by: Williamson, Sam

Position: FAV



# HOMELESS PERSONS REPRESENTATION PROJECT, INC.

201 North Charles Street, Suite 1104, Baltimore, Maryland 21201 (Headquarters)

(410) 685-6589 Toll Free (800) 773-4340 Fax (410) 625-0361

PO Box 1787, Rockville, Maryland 20849 (410) 387-3126 (Satellite Office)

[www.hprplaw.org](http://www.hprplaw.org) [info@hprplaw.org](mailto:info@hprplaw.org)

## Board

C. Carnot Evans, III, Esq.  
*President*

Jacqueline A. Brooks, Esq.  
*Vice President*

Erin Charles, CPA  
*Treasurer*

Laura Ginsberg Abelson, Esq.  
*Secretary*

Adam Block, Esq.  
Douglas M. Bregman, Esq.  
Jill Brown-Williams  
Kevin Docherty, Esq.  
John Eidleman, Esq.  
Kyle Hopkins  
Kelly Johnson, Esq.  
Shelly Marie Martin, Esq.  
Hugh McClean, Esq.  
Patrick McKeivitt, Esq.  
Jeannette A. Robertson  
Peter W. Sheehan, Jr., Esq.  
Selena Tan  
Sanford V. Teplitzky, Esq.  
Emily Vaias, Esq.  
Irving E. Walker, Esq.

## Staff

Antonia K. Fasanelli, Esq.  
*Executive Director*

Carolyn P. Johnson, Esq.  
*Managing Attorney*

Nancy Fenton  
*Development Director*

Ingrid Löfgren, Esq.  
*Director of Homeless Youth Initiative*

Michael C. Stone, Esq.  
*Interim Director of Pro Bono Programs*

Albert J. Matricciani, Jr., Esq.  
*Special Counsel*

Michelle S. Madaio, Esq.  
Karen E. Wabeke, Esq.  
*Senior Attorneys*

Alexandra Curd, Esq.  
Carisa Hatfield, Esq.  
Audrey Lynn Martin, Esq.  
Albert C. Turner, Esq.  
*Staff Attorneys*

Gabriela Ines Sevilla, Esq.  
*Equal Justice Works Fellow sponsored by Pfizer, Inc.*

Sam Williamson, Esq.  
*Skadden Fellow*

Akyra Brown  
Angel Dawson  
Katherine Guzmán  
Selena M. Santos  
*Paralegals*

Imani Walton  
*Social Media & Administrative Assistant*

## SUPPORT – HB 700

### Education - Disruption of School Activities - Repeal of Prohibition

### House Ways and Means Committee

February 10, 2021

### Testimony of Homeless Persons Representation Project

Chairperson Kaiser, Vice Chair Washington, and Members of the Committee:

Thank you for the opportunity to provide written testimony in support of House Bill 700, on behalf of the Homeless Persons Representation Project (HPRP). HPRP is a nonprofit legal services organization that provides free legal representation to those at risk of or experiencing homelessness, with the ultimate goal of ending homelessness in Maryland.

HPRP supports HB 700 because it is a key step in reducing the criminalization of our students and reducing youth homelessness. Currently, the law permits the students to be charged with a misdemeanor crime for “disturb[ing] or otherwise willfully prevent[ing] the orderly conduct” of school activities. Md. Code, Education, § 26-101(a). Rather than supporting students’ learning, this approach creates lifelong penalties that disproportionately impact Black, Indigenous, and youth of color, and lesbian, gay, bisexual, and transgender youth.

School disruptions often occur when students are traumatized. These traumas include homelessness, abuse, neglect, and violence at home and in communities. Caroline Miller, *How Trauma Affects Kids in School*, Child Mind Institute, <https://childmind.org/article/how-trauma-affects-kids-school/> (last visited Feb. 8, 2021). Rather than supporting students who face these challenges, Maryland currently compounds their trauma by punishing the students. These punishments inflict greater developmental damage and increase rates of school dropout. J. Stuart Ablon, Ph.D., *School Discipline is Trauma-Insensitive and Trauma-Uninformed*, Psychology Today, (Jan. 9, 2020), <https://www.psychologytoday.com/us/blog/changeable/202001/school-discipline-is-trauma-insensitive-and-trauma-uninformed>.

When students drop out of school, they have a 346% higher risk of experiencing homelessness than youth with at least a high school degree. Christina Dukes, *Strengthening Partnerships Between Education and Homelessness Services*, United States Interagency Council on Homelessness (May 3, 2018), <https://www.usich.gov/news/strengthening-partnerships-between-education-and-homelessness-services/>. It is imperative that we stop pushing students out of school and into homelessness through policies that penalize students.

HPRP urges the Committee to interrupt this cycle of youth homelessness by issuing a favorable report on HB 700. Thank you for your consideration. Please contact Sam Williamson at 443-961-5586 with any questions.

# **HB700\_USM\_UNF\_CLARK.pdf**

Uploaded by: Clark, Andy

Position: UNF



**HOUSE WAYS AND MEANS COMMITTEE**

**House Bill 700**

**Education - Disruption of School Activities - Repeal of Prohibition**

**February 10, 2021**

**Unfavorable Report**

**Andy Clark, Assistant Vice Chancellor, Government Relations**

Chair Kaiser, Vice Chair Washington, and committee members, thank you for the opportunity to share our thoughts on House Bill 700.

House Bill 700 will have an adverse fiscal impact on the University of Maryland, College Park and the amount is simply too difficult to quantify. The bill invites the general population to interrupt the range of university activities (from individual courses and cultural events to athletics games and functions in the chapel), which could have a tremendous negative fiscal and operational impact on the campus.

For example, at institutions like Frostburg State University and Coppin State University, this would likely lead to additional public safety activities, overtime, additional personnel, and equipment. On the academic side, also with the prohibitions it could increase disruptive behavior in the classroom that takes away instructional time and loss of productivity on the staff side. Not to mention, there could be additional administrative costs and resources used.

Towson University states, that from an *“Office of Public Safety perspective, we apply the current statute wording as means to manage third party entities, outside the university community, who engage in willfully disruptive behavior to disrupt the university's operation. We do not apply this statute to members of our community, such as students and faculty who are guided by internal policy and code of conduct. Removal of the proposed language would, under this statute, allow a person to willfully disturb or otherwise willfully prevent the orderly conduct of activities, administration and classes at the university.*

Thank you for allowing the USM to share our thoughts regarding House Bill 700 and we urge an unfavorable report.

# **HB0700\_MACC\_UNF\_B.Sadusky.pdf**

Uploaded by: Sadusky, Dr. Bernard

Position: UNF



## **Ways and Means Committee**

**Submitted by  
Dr. Bernard Sadusky, Executive Director  
February 10, 2021**

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

**Position: Oppose**

---

The Maryland Association of Community Colleges opposes HB 700 that deletes the current prohibition against persons willfully disturbing the orderly conduct of activities, administration, or classes of any institution of elementary, secondary or higher education.

Students who have limited time and resources to pursue their education should not be impacted by disruptive or disorderly conduct. Students in a classroom setting have limited options when confronted with disruptions. They are not free to leave or remove themselves from disorderly or disruptive conduct.

All 16 of Maryland's community colleges have designated areas for demonstrations, protests and delivery of speech. There is no need to allow students or outside individuals to disrupt the activities of others in order to make their voices heard.

# **HB 700.Repealing crime of disrupting schools.pdf**

Uploaded by: Woolums, John

Position: UNF



**BILL:** House Bill 700  
**TITLE:** Education - Disruption of School Activities - Repeal of Prohibition  
**DATE:** February 10, 2021  
**POSITION:** OPPOSE  
**COMMITTEE:** Ways and Means  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, opposes House Bill 700.

MABE opposes House Bill 700 because it would eliminate the prohibition contained in the Education Article that "A person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education." Local boards of education place a high priority on providing a safe workplace and learning environment for each student and staff person. Removing the provision of law cited above would serve to weaken the legal framework supporting the efforts of educators and school administrators to secure such a teaching and learning environment on a daily basis.

Importantly, the section of law proposed to be deleted in no way specifically references students. Therefore, by removing this clear prohibition, any person entering a school and willfully disturbing the ongoing education being conducted would no longer be subject to a charge and penalty under the law.

For these reasons, MABE requests an unfavorable report on House Bill 700.