

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.