



## 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.

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<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>

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