



POSITION ON PROPOSED LEGISLATION

BILL: HB0400 – Public Schools – Enrollment Location – Continuity

POSITION: SUPPORT

DATE: January 27, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 400, PUBLIC SCHOOLS—ENROLLMENT LOCATION—CONTINUITY. This bill ensures continuity in education for children who are detained in a Department of Juvenile Services detention facility.

Regardless of guilt or innocence, mere involvement in the juvenile legal system causes mass disruptions in a child and their family's life, especially when it comes to their education. As David S. Kirk and Robert J. Sampson observed in their 2013 study of juvenile arrests in Chicago:

“time spent moving through criminal case processing (i.e., arrest, detention, prosecution, and probation) is time lost from the educational process. Even if students are allowed to remain in school following arrest, they may miss so many classes and exams because of criminal case processing that they inevitably fail a grade. Given that grade retention is one of the most robust predictors of school dropout, the end result of time away from the classroom could be dropout. In addition to dropping out owing to grade retention, students may be automatically dropped from school because of excessive absences from, for example, time spent in a juvenile detention facility.”¹

¹ David S. Kirk & Robert J. Sampson. “Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood.” *SOCIOL. EDUC.* 2013 January 1; 88(1): 42. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4192649/pdf/nihms611904.pdf>.

For further information please contact Michele Hall, Assistant Public Defender, michele.hall@maryland.gov or by phone at (410) 929-6616; Krystal Williams, Director, Government Relations Division, by email at krystal.williams@maryland.gov or by phone at 443-908-0241.

Inefficient and at oftentimes absent communication between the Department of Juvenile Services, the Juvenile Services Education System, and the various school systems statewide leads to a lack of continuity in children’s education as they oscillate between the community and detention.

“[Y]outh returning to the school system after confinement often lack up-to-date or complete academic documentation, and personal histories, leading to delays in educational placement, misinformation, misinterpretation of youth needs, obstructing reintegration efforts. In some cases credits earned within the institutional setting are not transferable to the original school setting, leading to delays in the enrollment process, thus causing educationally at-risk youth to fall even further behind, further increasing the likelihood of dropping out.”²

The law as it currently exists in Maryland does not facilitate continuity in education for children returning to the community from juvenile detention facilities. Children are automatically unenrolled from school when they are detained. The classes children attend while detained do not necessarily align with those in their community, leading to a mismatch of work and credits, and children falling behind in their classes and even being retained at the end of the school year. Prior to the pandemic, for clients we represented in Prince George’s County, parents had to physically re-enroll their children in school, providing documentation as if they were enrolling a new child in school, rather than returning to a school their child was regularly attending prior to their detention, which can sometimes be as short as two weeks. The re-enrollment process can take as long as two weeks from a child’s release from detention, furthering gaps in their education. For court-involved youth and families, the gaping holes in continuity between education in detention and the community provide additional and at times insurmountable hurdles to accessing educational opportunities.

House Bill 400 remedies these issues. First, by ensuring that children are not unenrolled from school until *after* the disposition of the child’s juvenile case, it eases re-integration and re-enrollment for children whose detention is relatively short. Second, by ensuring that the school a child attends provides DJS with

² Gregory J. Benner, et.al. *Strengthening Education in Short-Term Juvenile Detention Centers: Final Technical Report*. Office of Justice Programs, September 2017. Available at <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/251118.pdf>.

educational materials for children to remain current with their school program, this bill eliminates the mismatch between education in detention and the community, which leads to many of the retention issues that cause children to fall behind and completely disengage from school. Third, by ensuring that there is an established procedure to transfer educational records between schools and facilities, both agencies can have up to date information about a child to provide the most appropriate education. In short, this bill directs DJS and the school systems of our state to communicate so that juvenile court involved children do not fall through the cracks. It is an essential bridge for some of Maryland's most vulnerable youth, and is an important step in ensuring that education is accessible to all of our children.

For these reasons, the Maryland Office of the Public Defender urges a favorable report on House Bill 400.