



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

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<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.**

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<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).