



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**House Bill 146 – Education – Reportable Offenses and Student Discipline – Children with Disabilities and Reporting
Education, Health, and Environmental Affairs Committee – March 29, 2022
FAVORABLE WITH AMENDMENTS**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session. WDC is one of Maryland's largest and most active Democratic Clubs with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of HB146, as amended, because we believe this bill takes an important step in protecting children who are arrested each year off school grounds from potentially harmful actions by school officials that threaten education success. The bill addresses two problems: the process used by school officials to remove students from their regular school programs because of a reportable offense and the lack of transparency on these removal actions.

Currently, children are at risk of being removed from school unilaterally for alleged offenses that have no nexus to the school or the child's behavior in school. Under current law, the police are informing school district and school officials of arrests of students for a broad range of offenses committed in the community, including non-violent, low-level offenses. Some Maryland schools use this information to make unilateral decisions about removing students from school indefinitely even when there is no relationship between the alleged out-of-school conduct and the school's safety or the ability of the student to perform in school. Sending children home or placing them in alternative schools based on a belief that a child who has been arrested does not belong in school is concerning because these removals unnecessarily jeopardize success for students who are already at risk of negative life outcomes because of contact with the juvenile justice system.¹ Furthermore, these actions that put students with reportable offenses at further risk of academic failure exacerbate racial inequities related to education outcomes because the population subject to reportable offenses is disproportionately Black.²

Importantly, schools may be unfairly penalizing students for an arrest that may never result in an adjudication of delinquency or a conviction of the student. Most of the arrests of young people do not result in an adjudication of delinquency by a juvenile court or a conviction in adult court. Most of the cases are dismissed or resolved informally by the Department of Juvenile Services, and only a relatively small number of those referred to the State's Attorney for formal proceedings result in a determination of culpability.³

¹ David S. Kirk and Robert J. Sampson, "Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood." *Sociology of Education* 86 (2013): 36-62.

<https://www.asanet.org/sites/default/files/savvy/journals/soe/jan13SOEFeature.pdf>

²Data Resource Guide Fiscal Year 2020, Maryland Department of Justice Services, p. 26, https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2020.pdf.

³Data Resource Guide, p. 26-27.



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

While HB 146 does not stop school officials from seeking to use information on reportable offenses to remove or otherwise discipline students, the bill, as amended, provides for much-needed protections for students in removal proceedings. It protects all students by requiring schools to follow existing school discipline procedures for removals relating to a reportable offense. Importantly, the bill also provides that a child with a disability must be afforded the same due process protections specified by the Individuals with Disabilities Education Act for a removal due to a reportable offense as are provided to such a child for any other removal for disciplinary reasons such as suspension or expulsion from the child's regular placement. This change will help to ensure that children with disabilities are not unjustly penalized for behavior related to their disability and that removals are conducted in compliance with Federal law.

The bill's reporting requirements will also provide greater transparency around the use of information on reportable offenses by school officials. Under the bill's requirements, schools will no longer be able to remove students without later disclosing demographic data about affected students and other information about the school's removal practices, including the duration of removals, the types of placements and education programming provided, and the offenses that are resulting in removals. The required report on removal actions for reportable offenses taken during the past five years, for which no data are currently available, might also surface policy issues that warrant further attention by school district officials or policymakers.

We note that **a technical, conforming amendment to (J) (1) (IV), (V), and (VI) is needed** to ensure that all the required data on actions related to reportable offenses are consistent and relate to students who were **arrested for** (and not adjudicated delinquent or convicted of) reportable offenses.

By providing procedural protections around the removal of students from schools for reportable offenses and requiring reporting on such actions, we believe that this bill will serve to better protect some of our most vulnerable children and help improve education outcomes.

We ask for your support for HB 146 and strongly urge a favorable Committee report.

Respectfully,

Leslie Milano
President