



House Bill 84/Senate Bill 119: Amend the Maryland Education Code to Stop Criminalizing Student Behavior

What Would HB84/SB119 Do?

[HB84](#), introduced by [Delegate Sheila Ruth](#) (District 44B, Baltimore County), and [SB119](#) introduced by [Senator Mary Washington](#) (District 43, Baltimore City), would amend a section 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.

Why Is HB84/SB119 Necessary?

Maryland’s legal system contains many laws that unnecessarily bring young people, and disproportionately youth of color, to the attention of the justice system. Most often, this is for behaviors that are either typical adolescent behaviors or a reflection of how we have marginalized large segments of Maryland’s youth. Most young people’s contact with the system results from someone labeling typical adolescent behavior, or behavior stemming from trauma, abuse, neglect, or poverty, as “criminal” conduct – instead of seeing that behavior as an indicator of a need for support to help that young person thrive. Referring youth to the justice system for these behaviors is ineffective, harmful, and a poor use of scarce financial resources.

In Fiscal Year 2019, the Maryland Department of Juvenile Services (DJS) received **1,700 referrals for young people charged with disturbing school activities or personnel** ([Data Resource Guide](#), page 238). While there are no additional details about the nature of these referrals, the law is so broad that youth can currently be charged with a crime for behaviors that should be handled within a school or school district, such as talking back, refusing to follow directions, or making an impulsive statement that is not associated with – and that does not result in – harm to anyone. Not only that, [Maryland Courts](#) have said that students are not exempt from being charged with this crime because they have “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**. 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** ([Data Resource Guide](#), page 252).

This part of the Maryland Education Code also runs directly counter to the goals of promoting academic achievement and success, as arresting young people for typical adolescent behavior 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.

The State Board of Education does have [regulations](#) stating that youth should not be referred to the juvenile justice systems for matters that should be handled through the school’s disciplinary process. However, the fact that the Department of Juvenile Services receives **nearly two thousand referrals per year for this reason shows that the law has become a part of Maryland’s school-to-prison pipeline. It should be removed from the Maryland Education Code altogether.**

What Should Happen Instead?

After amending this part of the Maryland Code, school officials and law enforcement can respond to situations that currently result in a criminal charge for disturbing school activities or personnel by:

- Handling the situation through the school's behavior management system.
- If the situation requires additional or different services and support than the school or school district can provide, diverting the young person to social service agencies, community-based organizations, or local management boards in lieu of charging them with a crime. Compared to formal juvenile justice system involvement, diversion generally decreases a young person's likelihood of re-arrest. For example, a [2013 study](#) found that low-risk youth placed in diversion programs returned to the juvenile justice system 45% less often than similar youth who were formally processed or who received restrictive sanctions.

Importantly, if a young person does engage in a criminal act, Maryland's Criminal Code already allows for a referral for a criminal offense. Thus, the current law is unnecessary and promotes criminalization of typical adolescent behavior in a school setting.

What Can I Do to Support HB84/SB119?

You can show your support through any or all of the following:

- Submit written testimony in favor of the legislation. Written testimony for HB84 must be submitted online on **Tuesday, January 18 between 10am and 3pm**. The Job Opportunities Task Force has a [great cheat sheet](#) for making sure you've done everything you need to do to register. A template for written testimony is available [here](#).
- Sign up to testify at the first hearing on HB84, which will take place on **Thursday, January 20 at 1pm**. As with written testimony, you need to register to sign up to testify online in advance on **Tuesday, January 18 between 10am and 3pm**. You can find the steps to sign up to testify by video in the [cheat sheet](#) mentioned above.
- Email your legislator and tell them you support HB84/SB119 (a sample letter you can use is [here](#)). You can look up who your representatives are and their phone numbers and email addresses [here](#) (click on "Lookup" to search by address).
- Share your support for HB84/SB119 on Twitter by following and retweeting posts about the legislation from [Delegate Ruth](#), [Senator Washington](#), the [People's Commission to Decriminalize Maryland](#), and others. You can also tweet your own support using any of the sample tweets [here](#). Be sure to find and tag your House and Senate representatives on Twitter and tag them in your tweet!

The People's Commission to Decriminalize Maryland was established to reduce the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state laws based on their race, gender, disability, or socioeconomic status. Established in 2019 with support and participation from almost three dozen Maryland-based advocacy organizations, coalitions and impacted individuals, the People's Commission has developed [a 2021 report](#) on decriminalization in Maryland and [2022 legislative priorities](#) in five policy areas: drugs, unhoused individuals, poverty, bodily autonomy, and youth. Learn more at [decrimmaryland.org](#) and on Twitter [@DecrimMaryland](#).