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## **HB 1268 – Education – Reporting Arrests of Students – Alterations**

**Hearing before the House Judiciary Committee**

**March 10, 2022**

**Position: OPPOSE**

The Public Justice Center (PJC)'s Education Stability Project advances racial equity in public education by combatting the overuse of practices like suspension, expulsion, and school policing that disproportionately target Black and brown children and push students out of school and into the criminal legal system. The PJC provides legal representation to students who are pushed out of school, including for reportable offenses, and has seen how the reportable offense law is abused by school systems and can severely derail a student's education. The PJC strongly opposes HB 1268, which would expand reporting of a student's arrest for a reportable offense and related confidential student information to the Maryland Center for School Safety, the State Board of Education, and the State's Attorney.

All students deserve the opportunity to learn, regardless of their circumstances outside of school. Currently, Maryland law requires police to report to schools when a student is arrested in the community for any one of over 50 offenses. Schools across the state have used this law to remove students with very little due process, even if the arrest had nothing to do with school.

Maryland's reportable offense law is out-of-line with the vast majority of states that have one, and makes it much easier for schools to remove students if they are arrested in the community. In Maryland, a simple arrest triggers a report to a student's school, whereas in most other states, a report is only triggered later in the juvenile legal process. Over 60% of arrests are resolved before any petition is ever filed in court. Many states do not allow removal from school for a reportable offense, or limit removal to circumstances where the student's presence in school poses a serious threat. In Maryland, there are virtually no limitations on schools' authority to remove students for reportable offenses.

All of the well-known data and research that demonstrates the adverse impact of suspensions and expulsions also demonstrates the adverse impact of removals from school for reportable offenses, because students are being disconnected from their education for alleged behavioral incidents. However, reportable offense removals are governed by a much weaker process, legal standard, and accountability measures than suspensions and expulsions in Maryland, even

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though they often have nothing to do with the school. Furthermore, because they are not required to do so by state law, most Maryland school districts do not track data on removals of students for reportable offenses. As a result, schools cannot be held accountable if they are removing students for unjustified reasons or in racially disproportionate ways.

The dissemination of confidential reportable offense information can adversely impact a student's education and perpetuate stigma. HB 1268 would expand reporting of not only a student's arrest for a reportable offense, but also the disposition of the reportable offense and any time the student moves to a different county, to the Maryland Center for School Safety and the State Board of Education, thereby creating an endless web of surveillance based on mere allegations. Rather than further invading student privacy by expanding reporting of a student's arrest for a reportable offense and related confidential student information, the General Assembly should reform the reportable offense process entirely. For these reasons, the PJC strongly opposes HB 1268.