



Feb. 1, 2022

**In Support of HB 146:** Education – Discipline – Reportable Offense – Alterations

Members of the Maryland House Ways and Means Committee.

Parent Advocacy Consortium’s 1400 plus military and non-military families, advocates and partners who stand for the civil rights of persons with disabilities, offer our full support for HB 146. And we ask for changes to the discipline process for minority students and for those students with disabilities, as it relates to the discipline for reportable offenses.

To us, this bill is about the punitive impacts that a student’s behavior, and negative impacts that school discipline policies combine to have on the education and future success of students with disabilities. As it stands, Maryland’s reportable offense law is out-of-step with the vast majority of states that have such laws. The way the current law is written today, the process makes it much easier for schools to remove students, for merely being arrested within their community, not within their school or at a school sponsored event.

Having children with behavioral challenges can pose many challenges for a parent. We try to prepare them as best we can for the world that awaits them. But one can predict what they may encounter as they interact with their environment, outside of their school building. In Maryland, a simple arrest triggers a law enforcement report to a student’s school. That report can lead to a suspension or expulsion. In most other states, a report is only triggered later in the juvenile legal process, if their case ever results in court proceedings. But over 60% of arrests are resolved before any petition is ever filed in court.

All of the well-known data and research that demonstrates the adverse impacts of suspensions and expulsions on a student’s education and future success for reportable offenses. As a result of the discipline process, many students with disabilities, are disconnected from their educational environment for alleged behavioral incidents.

However, oversight of this process is lacking, and removals for reportable offenses are governed by a much weaker legal standard. As it stands today, there are few accountability measures in place and this often leads to suspensions or expulsions of these students for their behaviors. Despite the fact that reportable offenses often take place off, not on school property.

We can and must do better for our minority student groups including students with disabilities within Maryland’s school and justice systems.



### **HB 146 - A Way Forward:**

HB 146 would limit the offenses that can be reported as “crimes of violence” and some of the offenses that result in youth being charged as adults. HB 146 also firms up the definition of a “reportable offense”, as solely incidents that occur off school property.

HB 146 would also change the point of reporting an incident from law enforcement agencies to the state’s attorney’s office, while making reporting optional, rather than mandatory. HB 146 also directs school system personnel to utilize existing school discipline proceedings for both general education and special education students. In a case where school system personnel intend to remove a student from their school for a reportable offense.

HB 146 also ensures that the student’s legal counsel is included in any school discipline or expulsion proceedings that occur as the result of a reportable offense. While also directing MSDE to collect data from local school systems on removals of students for reportable offenses. As well as, the demographics of the students being removed, and the reasons for their removal from school settings.

With the start of historic education reform efforts taking place all across Maryland, we see this bill as a necessary next step for our minority students, and our students with disabilities, as it relates to reportable offenses and school discipline policies. Let’s not leave these student populations languishing in limbo or locked into the school to prison pipeline. Instead, let’s help them to get back onto the path to success and, brighter futures.

Please vote to support HB 146, we ask for a favorable report. Thank you for your time and for your consideration of our testimony here today.

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