



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**House Bill 146 – Education – Reportable Offenses and Student Discipline - Alterations  
Ways and Means Committee – February 3, 2022  
SUPPORT**

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 because we believe this bill protects thousands of children who are arrested each year off school grounds from potentially harmful actions by school officials that threaten education success. We believe this bill strikes the appropriate balance between ensuring the appropriate education of children who have made mistakes and the safety of others in the school.

**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. Currently, schools are abusing the discretion they have by 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—not because it is in the child's best interest to be removed or because considerations of public safety demand this change.

**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.** When a young person is arrested, the case is referred to the Department of Juvenile Justice for disposition. 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. Many of the cases are dismissed or resolved informally by the Department of Juvenile Services. Only 40 percent are referred to the State's Attorney for formal proceedings and only a relatively small number of these result in a determination of culpability.<sup>1</sup>

**Removal actions that are based solely on the existence of an arrest off-campus are harmful and inappropriate because they unnecessarily jeopardize success for students who are already at risk of negative life outcomes because of contact with the juvenile justice system.**<sup>2</sup> Actions that put

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<sup>1</sup>Data Resource Guide Fiscal Year 2020, Maryland Department of Justice Services, p. 26, [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2020.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2020.pdf).

<sup>2</sup> 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>



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students at further risk of academic failure exacerbate racial inequities related to education outcomes because the population subject to reportable offenses is disproportionately Black.<sup>3</sup>

**The public interest is best served if school officials rely on the processes that are in place to ensure fair and appropriate treatment of students who have been arrested and referred to the Department of Juvenile Services.** It is the responsibility of the Department of Juvenile Services (DJS) to assess the merit of complaints about young people, to divert youth from court involvement when possible, and to refer them to services as needed. It is also the job of DJS to determine whether secure detention of a young person is necessary, for example, to protect others or whether a youth can be released to a caregiver and returned to their regular school with or without restrictions, pending disposition of the case. Reliance on existing procedures best ensures fairness, accountability, and safety.

**HB 146 addresses these issues by establishing a uniform policy for the State that is structured to reduce the risk that reporting of offenses will unfairly disadvantage students who are already at risk of negative life outcomes because of involvement with the criminal justice system, without any adverse impact on the school environment or its safety.**

The bill achieves these objectives by:

- Limiting the offenses that can be reported to schools to “crimes of violence” and those additional offenses for which youth can be charged as adults under current law
- Changing the point of reporting from an arrest to a finding of delinquency or a conviction
- Making the State’s Attorney’s office responsible for reporting, and allowing for the reporting to be discretionary
- Providing procedural protections around the removal of students from a school
- Ensuring that counsel is available in removal proceedings

**By establishing reasonable standards regarding what and when information can be shared and providing protections against the abuse of discretion by school officials, we believe that this bill will protect some of our most vulnerable children, especially children of color, and help improve education outcomes.**

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

Respectfully,

Leslie Milano  
President

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<sup>3</sup>Data Resource Guide, p. 26.