

HOUSE WAYS AND MEANS COMMITTEE
HOUSE BILL 146: Reportable Offense Reform Bill

FEBRUARY 3, 2022

POSITION: SUPPORT

I am grateful to be able to write this letter on behalf of my former foster daughter and for the children and teens in my community. My name is Christina Andrews. I am a resident of Cecil County, Maryland, a homeowner, a mother and I was a teacher in the local school system. I knew very little about Reportable Offenses until last June when my 15 year old foster daughter was suspended at school and then arrested for getting in a disagreement with a substitute teacher. As a result of the school-based arrest, the school system illegally relied on Maryland's reportable offense statute to deny my foster daughter her due process rights and immediately began the process of transferring her to an alternative school in the county.

As a former special education teacher, I was aware of the rights of students with disabilities under IDEA and had participated in manifestation determination meetings and IEP meetings frequently. My foster daughter was not arrested because of an incident that happened outside of the school but because of a disagreement with a substitute and school employee that happened in school. When I called the school to ask why my foster daughter was not being afforded the protections under the school discipline and special education laws for students with disabilities, I was told it was because under the reportable offenses law, the school did not have to and they were authorized to have a meeting without my foster daughter, her social worker, her lawyer, or anyone else representing her and make decisions about her future educational placement.

I contacted Disability Rights Maryland and they filed an appeal of the reportable offense decision with the school district and sent a demand letter to the school system requesting rescission of the reportable offense decision and immediate return of my foster daughter to her regular school placement. As a result of the appeal and the demand letter, the school district withdrew its decision that the incident was a reportable offense and withdrew its decision to place my foster daughter in an alternative school. Disability Rights Maryland represented my foster daughter at a Manifestation Determination Review meeting and the IEP team found that her behavior that led to the incident at school was a manifestation of her disability and therefore her suspension was terminated. The IEP team ordered updated special education testing and assessments for my foster daughter.

What if I had not been familiar with special education and IDEA? What if I was not committed to advocating for my foster daughter and had assumed what the school told me about reportable offenses was accurate and not, instead, a tool being used as a weapon against my foster daughter to force her out of the high school and into an alternative placement?

My foster daughter has been traumatized her entire life by her family, the schools, the police, and the school administration. She has lifelong disabilities and should have protections in place to assist her in learning and interacting with her peers. Many of our students are already struggling

because of their home situations, their trauma, and their disabilities. They should expect to be treated fairly by the school system.

I support HB 146 to ensure that school systems can only use the reportable offense law for offenses that occur *off* school property, to ensure that school systems afford students due process and follow existing school discipline procedures for general education students and special education students if they propose to remove a student from school based on a reportable offense, and to ensure that the student's counsel is included in the process of removal from school.

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