
To: Members of The Ways and Means Committee

From: Family & Juvenile Law Section Council (FJLSC)

Date: February 3, 2022

Subject: **House Bill 146:**
Education – Reportable Offenses and Student Discipline - Alterations

Position: **SUPPORT**

The Maryland State Bar Association (MSBA) FJLSC **supports House Bill 146 - Education – Reportable Offenses and Student Discipline – Alterations.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

House Bill 146 makes critical changes to the reportable offenses law in Maryland. The current reportable offenses law is harmful to children and contributes to the school-to-prison pipeline by empowering schools to remove children for alleged conduct that occurred outside of school without the due process protections required for other disciplinary matters that occur in school. HB 146 carefully balances the needs of children, the rehabilitative nature of the juvenile justice system, and public safety.

With approximately 60% of all cases in Maryland’s juvenile system resolved prior to a petition ever being filed, HB 146 aptly changes the point of reporting an offense that occurred off school grounds to a school from arrest to only once a child is adjudicated delinquent or there is a conviction. In addition, HB 146 clarifies the definition of reportable offenses to those offenses that occur off school grounds and limits those offenses that must be reported to crimes of violence and instances when youth are charged as adults. This bill also removes law enforcement as the

reporting agency and permits the State's Attorney to share reportable offense information with a school but does not require it.

HB 146 further requires that existing school discipline procedures be followed prior to any student being removed based on a reportable offense and that counsel for the child be included in any attempt to remove a child from their ordinary school placement. Children in Maryland are entitled to a free and adequate education. Federal law requires a free and appropriate public education that shall be provided in the least restrictive environment possible for children with disabilities. Maryland statutes and regulations address and require important due process protections for children regarding disciplinary procedures for in-school conduct, but our laws do not address due process protections for alleged out-of-school conduct. Conduct which may have no impact on the education of the child or their educational setting.

Policies vary greatly from county to county in Maryland regarding how each school system handles reportable offenses and some school systems have no policy at all. It is imperative that we require school systems to report on how they respond to a reportable offense. There is currently no data that is required to be collected on the treatment of children arrested for a reportable offense, and it is this information that enables us to hold schools and school systems accountable. To ensure that students are treated fairly and justly and in accordance with federal and state law and regulations we must require schools to report on their use and handling of reportable offenses.

For the reason(s) stated above, the FJLSC of the MSBA **supports House Bill 146 and urges a favorable committee report.**

Should you have any questions, please contact Melanie Shapiro at Mshapiro@mnadv.org or by telephone at (301) 852-3930.