

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

## SENATE JUDICIAL PROCEEDINGS

### **BILL: SB 927 – Criminal Law - Crime of Violence - Second Degree Assault of a School Employee or Subcontractor (School Assault Reduction and Prevention Act)**

**March 5, 2024**

#### **Positions: Unfavorable**

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and concerned citizens interested in transforming school discipline policies and practices within Maryland’s public school system. CRSD is committed to making discipline responsive to students’ behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. CRSD respectfully requests that the Committee issue **an unfavorable report on Senate Bill 927** which would expand the definition of a “crime of violence” under §14-101 of the Criminal Law Article to include assault in the second degree of an employee or a subcontractor of a public or private elementary or secondary school.

For over 10 years, CRSD has been advocating for Maryland to examine, at both the local and state level, policies and practices that funnel students into the criminal justice system, which has dire long term consequences for students. *Senate Bill 927 would only fuel the school-to-prison pipeline and would not improve school climate or make schools safer for staff and students.*

Based on the most recent student arrest data from the Maryland State Department of Education for the 2021-2022 school year, “attack on adult” only made up 8% of all arrests.<sup>1</sup> With the majority of the school systems having less than 10 incidents of students allegedly attacking an adult. Only a few school systems seem to have a significant issue with this category of offense which does not warrant making a second degree assault a “crime of violence.” In addition, based on our experience, many of these incidents stem from behavior related to a student’s disability, adults getting injured breaking up a fight between students, or involve minor incidents such as a student throwing an empty water bottle that inadvertently hits a teacher, or pushing past a teacher trying to get by them. While we do not condone this type of behavior, it does not warrant the automatic categorization of the offense as a “crime of violence.”

*CRSD is gravely concerned that SB 927 could lead to an increase in the incarceration of youth, particularly due to the mandatory sentencing for repeat convictions for a “crime of violence.”*<sup>2</sup> We know based on the disproportionate impact of school discipline and school-based arrests that Black students and students with disabilities will be at the highest risk.

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<sup>1</sup> See Maryland Public Schools Arrest Data School Year 2021-2022, <https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20212022.pdf>

<sup>2</sup> Md. Code, Crim. Law § 14-101

The Maryland Commission on the School-to-Prison Pipeline and Restorative Practices—a body created by the General Assembly and comprised of a diverse group of educators, parent representatives, and school discipline experts—documented the continued disparities in the use of exclusionary discipline in Maryland public schools.<sup>3</sup> The Commission report noted:

The most common arrests in schools are simple assault (which might be a minor fistfight or something far less serious) and the vague category of “disorderly conduct,” which could be a temper tantrum, cursing, or talking back to a teacher ... The increased police presence in schools has over policed and criminalized many children, especially youth of color, and contributed to the school-to-prison pipeline.<sup>4</sup>

Data for the 2022-23 school year continued to show the disproportionate impact of school discipline, including that:

- 58% of out-of-school suspensions and expulsions are Black students, even though Black students make up only 33% of public school enrollment in Maryland.
- Students with disabilities represent 13% of enrollment in Maryland public schools but 26% of out-of-school suspensions and expulsions.<sup>5</sup>

For a student with a disability that impacts their behavior, such as autism, an emotional disability, or an intellectual disability, SB 927 would have a dire impact.

Senate Bill 927 unnecessarily seeks to expand the scope of “crimes of violence” without considering the collateral consequences on children. There is no compelling reason and the data does not support a need to categorize second degree assault under the category of a crime of violence.

Despite the bill's title, SB 927 does little to reduce or prevent school assaults of teachers and adults. Rather, CRSD encourages the legislature and the Maryland State Board of Education to increase services to students, including academic support and social emotional support through community schools, by investing in more social workers, school psychologists and counselors, by investing in restorative practices to help repair relationships, and by using the special education process for students with disabilities whose behavior interferes with their learning. Additional punitive

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<sup>3</sup> Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, *Final Report and Collaborative Action Plan* (December 20, 2018),

[https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1003&context=cdrum\\_fac\\_pubs](https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1003&context=cdrum_fac_pubs)

<sup>4</sup> *Id.* at 26.

<sup>5</sup> Maryland State Department of Education, *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2022-2023*.

<https://marylandpublicschools.org/about/Documents/DCAA/SSP/20222023Student/2022-2023-MD-PS-Suspensions-Expulsions-and-Health-Related-Exclusions.pdf>.

measures though SB 927 is not how we create more positive and safer school environments for both students and staff.

**For these reasons, CRSD opposes SB 927.**

For more information contact:

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### **CRSD Members**

Maryland Office of the Public Defender

Public Justice Center, Education Stability Project

League of Women Voters of Maryland

Baltimore Alliance to Reclaim Our Schools

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

ACLU of Maryland

Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law

Disability Rights Maryland