
MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

**JUDICIAL PROCEEDINGS COMMITTEE
SENATE BILL 1145
PUBLIC and NONPUBLIC SCHOOLS – CHILD SEX OFFENDERS – PROHIBITION
ON IN-PERSON ATTENDANCE**

MARCH 13, 2024

POSITION: OPPOSE

The Maryland Coalition to Reform School Discipline (“CRSD”) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland’s public-school systems. We are committed to making discipline responsive to students’ behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **CRSD strongly opposes SB 1145**, which would prohibit a youth from attending a public school in-person if they have been convicted or adjudicated as a juvenile sex offender.

SB 1145 is unnecessary and likely harmful to students. There are already a number of protections in place. For one, a child who is adjudicated, by definition, is under the jurisdiction of the juvenile court, and is being supervised by the Court and the Department of Juvenile Services. It also means they are receiving treatment either in an out-of-home placement or in the community.

Second, courts routinely assess whether a youth is dangerous. A court is much better able to assess the risks posed by a child under its jurisdiction than can a school administrator. A child deemed by a court to pose a danger to his classmates would not be allowed to be in the community.

In addition, there are significant reporting requirements under the “reportable offense” statute, [Md. Code, Educ. § 7-303](#). When an offense is considered “a reportable offense”, which includes a sexual offense, law enforcement is required to notify the school system of the arrest “within 24 hours” or “as soon as practicable.” The school system must then follow the school discipline procedures and determine if allowing the student to attend school would cause “imminent threat of serious harm to other students or staff.” This process provides appropriate and necessary due process protections and allows a school system to consider the facts and circumstances related to a student’s specific situation, while also ensuring the safety of the school community.

Education is the number one protective factor in preventing youth from recidivism, especially for youth with learning disabilities or other educational deficits. Dictating a student's placement through the Criminal Code would also run afoul of the requirements of federal law and regulations, including the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, which requires eligible students with disabilities to receive a free appropriate public education in the least restrictive environment.

The proposed provision is duplicative of existing protections and creates numerous other issues outlined above that increase rather than decrease the threat to community safety.

For these reasons, CRSD strongly opposes Senate Bill 1145.

For more information contact: Maryland Coalition to Reform School Discipline
CRSDMaryland@gmail.com

CRSD Members

Disability Rights Maryland

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

The Arc Maryland

The League of Women Voters of Maryland

The Choice Program at UMBC

Camila Reynolds-Dominguez, FreeState Justice

ACLU of Maryland

Public Justice Center, Education Stability Project

Maryland Office of the Public Defender