

Unfavorable Response to SB1145

Public and Nonpublic Schools - Child Sex Offenders - Prohibition on In-Person Attendance

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. FAIR understands that there are certainly some situations where a youth demonstrates such troublesome behavior, inside and outside the classroom, that removal from the school environment would be highly recommended. There are existing procedures in place for that, under existing Maryland law and education department policies. This bill, however, goes much too far, with a very broad stroke. The bill eliminates procedural and due process protections afforded individual students under existing law, and mandates removal from a school setting irrespective of circumstances.

At a minimum, **the bill removes any discretion for school authorities and experts to consider the best interests of the individual student.** A student convicted or adjudicated delinquent of an offense is placed under the jurisdiction of a court and receives appropriate behavioral and therapeutic management. The bill would create the conditions exactly contrary to an effective and successful outcome – rejection, isolation and despair.

One of the critical problems with the bill is the provision that “a child” will be prohibited from attending school in-person if they commit a sexual offense that, **if committed by an adult**, would be a felony. The sponsors most likely are not aware of the incredibly broad range of sex offenses that are felonies in Maryland. Some of the provisions captured by the bill specifically apply to **adult individuals** who are at or above a certain age (18 or 21) who commit a sexual offense **against a minor**. If, for example, a 13-year-old girl initiates non-consensual sexual activity with a 14 year old boy at a party, is the girl eliminated from in-person school because the offense would be a felony if committed by a 21 year old? What about a 14-year-old who sends a nude, provocative picture of themselves to another student. Is that distribution of child pornography (a felony) that would exclude the 14-year-old from school? If so, for how long?

This bill is also not clear whether a student banned from “attending” a school that receives public funds, could still use one of its home-based schooling options. There would be almost no educational option available outside of home-schooling due to most non-public schools also receiving some public funding.

Young people are generally amenable to treatment, and many do go on to lead successful and law-abiding lives. The system we have in place attempts to provide opportunities for these kids to continue to grow and be successful. Rather than cast out an entire group based on a very broad and difficult standard, it would make much more sense to ensure that a clear process is in place to alert school administrators to repeated encounters with the justice system which indicate harmful and risky behavior and provide guidelines for

appropriate measures in various situations, up to and including alternative educational opportunities.

We urge the committee to return an unfavorable vote for SB1145.

Sincerely,

A handwritten signature in cursive script that reads "Brenda V. Jones". The signature is fluid and includes a long, sweeping horizontal stroke at the end.

Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries