

BILL: House Bill 615
TITLE: Education - Crimes on School Grounds - Application
DATE: February 14, 2024
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE) supports House Bill 615, which would repeal a stand-alone provision of the Education Article that criminalizes the behavior of all persons, including current students, on school premises.

Local boards of education place a high priority on providing a safe workplace and learning environment for each student and staff person. MABE also supports a progressive student discipline system that emphasizes in-school responses to student behaviors that provide professional educational and behavioral health supports to affected students. In this light, MABE supports House Bill 615 to clarify that A. adults will remain criminally liable for disruptive behavior in schools, and B. students may be subject to criminal liability for these behaviors, but only under other provisions of the Criminal Law Article, not the Education Article. Again, the bill would exclude only students from the criminal charges provided under this section of law.

MABE supports House Bill 615 because it would retain the prohibition against non-student conduct contained in the Education Article, which states that “A person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education.” Enacting House Bill 615 would ensure that any person other than a student who enters a school and willfully disturbs the ongoing education being conducted would continue to be subject to a charge and penalty under this provision of the Education Article. To be clear, students would continue to be subject to arrest and conviction for any other applicable crimes contained elsewhere in the Criminal Law statute. In this way, House Bill 615 simply, but meaningfully, removes the special crime of school disruption for students from the Education statute.

MABE is requesting an amendment to retain the crime of disrupting the school environment for students attending events at other schools, including higher education students attending elementary and secondary school events and vice versa. Specifically, the requested amendment would strike lines 4 through 7 on page 2 of the bill.

Again, local school systems are committed to each and all of their students becoming college and career ready and ensuring that the appropriate use of school discipline furthers that goal. MABE has adopted the position of supporting the State Board’s initiative to require local boards to reform student discipline policies to:

- Prohibit “zero tolerance” policies;
- Reflect a philosophy that fosters positive behavior;
- Provide continuous education services to all suspended and expelled students; and
- Hold school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students.

Legislation enacted in 2019 required local boards of education to revise local board policies related to student discipline to provide for restorative practices. This law defines “restorative approaches” as a relationship-focused student discipline model that (1) is preventative and proactive; (2) emphasizes building strong relationships and setting clear behavioral expectations that contribute to the school community well-being; (3) in response to behavior that violates clear behavioral expectations, focuses on accountability for any harm done by the problem behavior; and (4) addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

For these reasons, MABE requests a favorable report on House Bill 615.