
MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

HOUSE WAYS AND MEANS SENATE BILL 1145 PUBLIC and NONPUBLIC SCHOOLS – CHILD SEX OFFENDERS – PROHIBITION ON IN-PERSON ATTENDANCE

MARCH 27, 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. And, we are committed to the fair and equitable treatment of ALL students, including pregnant or parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for ALL students.

CRSD strongly opposes SB 1145, which would permanently ban children from attending a public or a nonpublic school that receives State funds in-person if they have been convicted or adjudicated as a juvenile sex offender. We acknowledge that this is a charged, sensitive issue; one where fear holds sway over facts. We urge legislators to reject the impulse to issue blanket punishments; well-intentioned, but misguided policies about youth sexual offenses historically have failed to improve public safety.¹ Please prioritize the legal rights and educational needs of all children and oppose SB 1145, a reactionary bill that attempts to address a risk that is not supported by research or data.

When youth are disconnected from in person school their academic and life chances are severely diminished. We call upon legislators, who this session, have enthusiastically embraced the promise of Restorative Practices in Maryland’s public schools (HB1257 / SB 917) to

¹ Letourneau, Elizabeth & Caldwell, Michael. (2013). Expensive, Harmful Policies that Don't Work or How Juvenile Sexual Offending is Addressed in the U.S.. *International Journal of Behavioral Consultation and Therapy*. 8. 23-29. 10.1037/h0100979.

acknowledge that rehabilitation is possible. Indeed, it is likely. Research shows children adjudicated for a sex offense are amenable to treatment and pose a very low risk of reoffending. Treatment is often less successful when school placement is disrupted. As we learned through the Covid-19 pandemic, virtual school and Home and Hospital instruction are inadequate for most learners.

CRSD recognizes that schools provide the greatest protective factor for healthy adolescent development. Judge Steven Teske, the presiding juvenile court judge in Clayton County, Georgia, explained the connection at a United States Senate subcommittee hearing on school discipline: “Removing youth from school settings that serve as a protective buffer increases the probability of negative outcomes for the student, school, and the community.”²

As lawyers, social workers, advocates, and parents, we are convinced by the research: school is a grounding force. It provides stability, positive social interaction, and an opportunity to prepare for adult life. Education helps prevent youth from recidivism, especially youth with learning disabilities or other educational deficits. This bill relegates students who have been adjudicated for a sex offense to a lifetime of harm without consideration of their rehabilitation and treatment.

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.

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 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

² The Hon. Steven Teske, Testimony before the Senate Subcommittee on the Constitution, Civil Rights, and Human Rights, Subcommittee Hearing on “Ending the School to Prison Pipeline” 2 (Dec. 12, 2012), <https://www.judiciary.senate.gov/imo/media/doc/12-12-12TeskeTestimony.pdf>.

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.

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. SB 1145 is unnecessary and likely harmful to students. **For these reasons, CRSD strongly opposes Senate Bill 1145.**

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

CRSD Members

The League of Women Voters of Maryland

The Choice Program at UMBC

Camila Reynolds-Dominguez, FreeState Justice

Maryland Office of the Public Defender

Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law

Disability Rights Maryland

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

The Arc Maryland

ACLU of Maryland

Public Justice Center, Education Stability Project