

BILL: Senate Bill 1145

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

POSITION: OPPOSE

DATE: March 27, 2024

COMMITTEE: Ways and Means; Judiciary

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The Maryland Association of Boards of Education (MABE) opposes Senate Bill 1145 as an overly rigid, one-size-fits-all, approach to responding students returning to the school setting following being adjudicated delinquent or convicted of sexual assault or rape. MABE is troubled that the bill would appear to remove the flexibility provided under current law for the professional judgements of educators, administrators, and directors of student services and school security. MABE firmly believes in preserving the ability of these professionals to make student placement decisions in the best interests of all students. While exclusion from school premises should continue to be a facet of school safety protocols, it should not be mandated in the manner proposed in Senate Bill 1145.

Maryland 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. Following several years of deliberations, the State Board of Education adopted new regulations in 2014 to dramatically reform the ways in which teachers, principals, and superintendents may suspend or expel students, and define the educational and behavioral supports to be provided to students in disciplinary situations.

Therefore, MABE adopted the position of supporting the State Board's initiative to require local boards of education to reform their 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 requires 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.

Again, MABE fully recognizes that the severity and circumstances of a crime committed by a student may, at times, warrant the substantial exclusion of a student from the regular school setting. However, MABE believes that the current array of state and federal laws is designed to ensure that school systems strive to provide educational programs, services, and opportunities for all students, including through alternative public schools and publicly funded nonpublic schools. Notwithstanding the bill's cross-reference to the Criminal Procedures Article, Senate Bill 1145 appears intended to remove these alternative options.

For the reasons outlined above, MABE requests an unfavorable report on Senate Bill 1145.