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House Bill 1265: Education - Reportable Offenses and Prohibited Behavior on School Grounds - Alterations

Hearing before the Senate Committee on Education, Energy, and the Environment, March 27, 2025

Position: FAVORABLE

The Public Justice Center (PJC) is a nonprofit legal services organization which advocates for social justice, and economic and racial equity in Maryland, including by upholding the rights of historically excluded and underserved students through individual representation, community outreach, and systemic advocacy. The PJC's Education Stability Project is committed to making discipline responsive to students' behavioral needs, fair, and designed to keep youth on track to graduate.

PJC strongly supports HB 1265 as it focuses the reportable offense statute on offenses that pertain to school safety and reduces the amount of resources wasted on incidents which do not impact school safety. Further, passing HB 1265 will reduce egregious racial disparities in the school-to-prison pipeline.

In advice to school administrators, school safety experts Christine A. Eith and Kenneth S. Trump criticized safety-improvement tactics that made people *feel* safer but failed to substantively improve school safety: "Educators should pause to examine whether they are striving to make people feel safer or making schools safer."¹ Overuse of the reportable offense statute is one of these methods, that may give the impression of improving safety, but do not in fact do so. Research shows that overuse of suspension and other forms of school pushout harm students and the school community at large.² What the research does support is a change in perspective when it comes to school safety and "focusing on safety as an environment that is free of fear, intimidation, violence and isolation."³

Over and over again, research tells us that, when a legal system calls for discretionary decision making, racial bias will result.⁴ In Maryland, the reportable offense process demonstrates this bias at every step. Even before

¹ Christine A. Eith and Kenneth S. Trump, *A Holistic Approach to School Safety*, School Administrator, 43–47 (April 2019) <https://www.schoolsecurity.org/wp-content/uploads/2019/10/A-Holistic-Approach-to-School-Safety-April-2019.pdf>.

² Daniel J. Losen, *School Discipline What the Research Tells Us: Myths and Facts*, National Education Policy Center (Oct. 5, 2011) ("There is no evidence that frequently suspending disruptive students improves learning. In fact, schools with high suspension rates tend to have lower academic achievement, even after controlling for demographics.").

³ See *supra* note 1 at 45.

⁴ Nazgol Ghandnoosh, Ph.D. and Celeste Barry, *One in Five: Racial Disparity in Imprisonment – Causes and Remedies*, The Sentencing Project (Dec. 7, 2023) (showing racial bias present at various discretionary decision points, including parole). *The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

arrest, Black children experience more police contact, stops by police, and police violence.⁵ ⁶ Because of this, Black children are 250% more likely to be arrested than white children.⁷ These layers of bias compound, leading to Black students being 410% more likely to be reported to their school for a reportable offense than white students.⁸ The data shows that the disparity in reportable offenses is greater than the disparity of arrest, which suggests that officers and prosecutors are making discretionary decisions to report more Black students to their schools for reportable offenses than white students.

After all this bias has fundamentally impacted the experience of a Black student in Maryland, racial disparities appear yet again in one of the major processes that create the school-to-prison pipeline: the discretionary decision to remove a student from school. Black students being 300% more likely to get suspended than white students.⁹ Such disparities cannot be explained by different rates of student misbehavior. Studies show that students misbehave at roughly the same rate regardless of race. While poverty is correlated with increases in disruption and behavioral disorders, those relationships do not explain the great discipline gap between white and Black children. The discipline gap remains even when all other variables are removed. For the same infraction in similar circumstances, a Black student is significantly more likely to be disciplined than a white peer.

Decreasing our reliance on reportable offenses will lead to improved outcomes across the board. We as a community must focus on safety in more holistic terms: an environment that is free from fear, intimidation, violence and isolation. This bill gets Maryland closer to that goal.

For these reasons, the PJC strongly supports House Bill 1265.

For more information, please contact:

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decisions, sentencing, prosecution, and others) <https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>.

⁵ Douglas Young, Christina Yancey, Sara Betsinger, Jill Farrell, *Disproportionate Minority Contact in the Maryland Juvenile Justice System*, University of Maryland College Park Institute for Governmental Service and Research (January 2011) (“African American youth are particularly subject to disparate levels of contact and are also significantly overrepresented at arrest (2.54), referral to DJS intake (2.44), and the case petitioning stage (1.41”).

⁶ Emanuella Grinberg, *Racial bias pervasive among Baltimore police, DOJ says*, CNN (Aug. 10, 2016) (“A Justice Department investigation found that the Baltimore Police Department engages in unconstitutional practices that lead to disproportionate rates of stops, searches and arrests of African-Americans, and excessive use of force against juveniles and people with mental health disabilities.”)

⁷ See *supra* note 4.

⁸ MSDE Division of Student Support and Federal Programs and Division of Assessment, Accountability, Performance Reporting & Research, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024* (December 30, 2024) [https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303\(j\)_2024.pdf](https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303(j)_2024.pdf).

⁹ MSDE Division of Assessment, Accountability, Performance Reporting & Research, *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2023-2024* (December 2024) <https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>.

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