

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE EDUCATION, ENERGY & ENVIRONMENT COMMITTEE

HOUSE BILL 1265: EDUCATION- REPORTABLE OFFENSES AND PROHIBITED BEHAVIOR ON SCHOOL GROUNDS- ALTERATIONS

DATE: MARCH 27, 2025

POSITION: SUPPORT

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. CRSD is 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 supports House Bill 1265**, which would reduce the number of charges which will be considered reportable offenses and eliminates the Education Article provision that allows students to be criminally liable for "disturbing school activities or personnel."

This bill is necessary for a number of reasons. Overuse of school removal, especially in circumstances where a student poses no safety concern, harms school climate and hinders achievement for all students. Bias at every level of the criminal legal system leads to reportable offenses being disproportionately used against Black students. This bill focuses the reportable offense statute to the offenses that communities are most concerned about.

Maryland law is that students stay in school unless they pose an imminent threat of serious harm to others.¹ What this bill does is ask, what offenses may raise concerns about whether a student is safe to be in school and says those are the incidents schools should hear about. This is what the reportable offense law was always intended for. This bill removes the requirement for officers to report on crimes that do not impact school safety. Most of the offenses it removes are property crimes—property damage and motor vehicle theft—which do not indicate whether a student would be a threat to other students or staff. The question has to be, do the crimes reported to schools help schools determine whether or not a student poses a risk of serious harm to others.

¹ COMAR 13a.08.01.11(B)(2)(a).

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Research shows that overuse of suspension and other forms of school pushout harm students and the school community at large.² All educators and advocates aim to foster schools where students learn in a safe environment and in community with others. To that end, it is the policy of Maryland's Board of Education that school removal is a last-resort option that should be limited to the furthest extent possible.³ Overuse of reportable offenses runs counter to this policy goal.

Decades of research shows that, in punitive systems where discretionary decisionmaking is a key facet, those discretionary decisions result in racial bias.⁴ These disparities show up in full force in the use of reportable offenses in Maryland beginning even before arrest where Black children are subject to increased police contact, more stops by police, and increased police violence.⁵ ⁶ This leads to Black children being more than 2.5 times more likely to be arrested than white children.⁷ These layers of bias culminate in Black students being 4.1 times more likely to be reported to their school for a reportable offense than white students.⁸ This is a greater disparity than that of arrests, suggesting that officers and prosecutors make discretionary decisions to report Black students to their schools for reportable offenses.

The final discretionary step in this process is the decision to remove a child from school, where racial disparities appear yet again, with Black students being 3.0 times more likely to get suspended than white students.⁹ Such disparities cannot be explained by different rates of student

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 COMAR 13a.08.01.11(A) ("[School discipline policies shall] . . . Be designed to keep students connected to school . . . and Explain why and how long-term suspensions or expulsions are last-resort options.").

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 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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misbehavior, as studies have shown that all students misbehave at roughly the same rate.¹⁰ 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.¹¹ The discipline gap remains even when all other variables are removed. For the same infraction in similar circumstances, a white student is significantly less likely to be disciplined than a Black peer.

This bill, through its limitations on reportable offenses and the removal of the Education Article provision that allows for the criminalization of students for “disturbing school activities or personnel,” strikes a balance between addressing safety concerns related to crime in schools and preventing the safety risks associated with school environments characterized by fear, intimidation, and isolation.

For these reasons, CRSD **supports HB 1265**.

For more information, please contact:

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¹⁰ *Maryland Commission on the School-to-Prison Pipeline and Restorative Practices Final Report and Collaborative Action Plan* (Dec. 2018),
<https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>.

¹¹ Nathan Barrett et al., Technical Report: Disparities in Student Discipline by Race and Family Income, Education Research Alliance for New Orleans (Jan. 2018),
<https://educationresearchalliancenola.org/files/publications/010418-Barrett-McEachin-Mills-Valant-Disparities-inStudent-Discipline-by-Race-and-Family-Income.pdf>.