

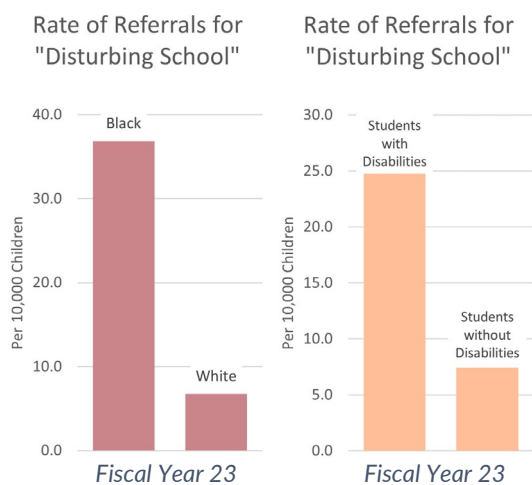
House Bill 627: Education - Prohibited Behavior on School Grounds and Property - Application

Hearing before the House Ways and Means Committee, February 12, 2024

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, appropriate to the infraction, and designed to keep youth on track to graduate. PJC strongly supports HB 627, which decriminalizes the act of disturbing school for a student who attends the school in question.

Under current Maryland law, students attending a school can be arrested and charged with a misdemeanor for disturbing that school. This law was originally conceived as a way to prevent disturbances from outside the school, such as an adult coming onto school property and causing a disturbance. Today, it is mostly used to criminally charge teenagers for teenager behavior at school.



The disparities based on race and disability-status of the “disturbing school” charge are alarming. Black children are **5.5 times** more likely to be referred to the Department of Juvenile Services for “disturbing schools” than white children. Children with disabilities are **3.3 times** more likely to be referred than children without disabilities.

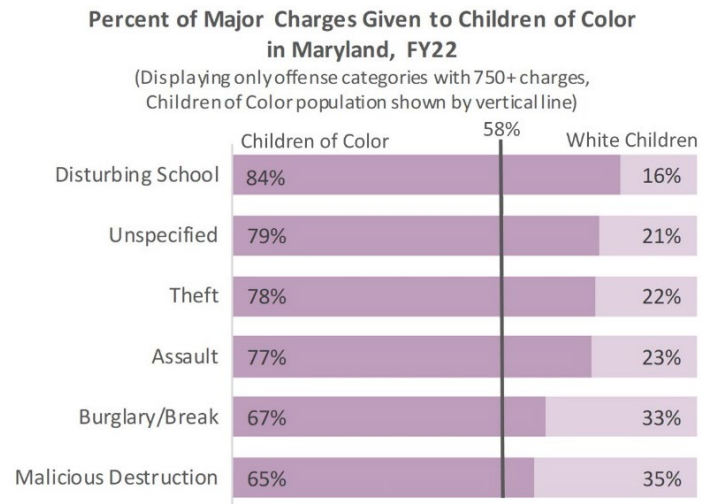
The “disturbing schools” charge sits at a unique and concerning intersection of the data. In Fiscal Year 2022, it was the fourth most racially disparate juvenile offense. That same year, it was the fifth most common juvenile offense referred to DJS. But of those most common offenses, it was the **number one** most racially disparate offense.

One other unique aspect of this charge is that, in Fiscal Year 23, was never once actually useful. It is a “kitchen sink” charge, meaning it almost exclusively gets charged alongside other, more serious offenses. In Fiscal Year 23, not a single referral where “disturbing school” was the only charge was formally filed. The charge that most frequently accompanies “disturbing school” is, by a wide

margin, misdemeanor assault. This is already a chargeable offense. If we remove the ability to charge a student with disturbing school, at their own school, prosecutors will not lose the ability to bring a case. The only thing they lose is the ability to leverage one charge against another in a game of pressuring children to accept a deal.

Additionally, teachers and administrators still have—and should be expected to use—a vast array of strategies to address disruptive behavior that do not include arresting a child. For example, below is a list of interventions included in the Prince George’s County Public Schools student handbook that are available to teachers:

1. Contact parent via telephone, e-mail or text message
2. Conduct a teacher or student conference
3. Correct and provide verbal redirection in the classroom
4. Establish the buddy teacher system (placing a student in temporary time out in another classroom)
5. Develop a daily behavior progress sheet
6. Take time with a student to reflect on the behavior or allow the student to apologize
7. Remove classroom privileges from a student (does not include recess)
8. Reassign the student’s classroom seat
9. **Referral to School Instructional Team (SIT)**
10. **Referral to IEP/504 team (students with disabilities)**
11. **Restorative approaches (affective statements, restorative chat)**
12. **Referral to Professional School Counselor or Mental Health Clinician**
13. **Change in schedule or class**
14. Reprimand by appropriate administrator
15. Parent/guardian notification
16. **Mentoring Program**
17. Revision to IEP/504 plan (for students with disabilities)
18. Loss of privileges
19. **In-school suspension**
20. **Detention**
21. **Referral to Pupil Personnel Worker**
22. Restitution
23. Conflict resolution and community conferencing
24. Assignment of work projects
25. **Referral to community organizations**
26. **Referral to School Psychologist**
27. **Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan**
28. **In-school intervention**
29. Referral to Office of Student Engagement and School Support
30. Referral to Student Support Team (SST)
31. Develop/Revise Functional Behavioral Assessment
32. Assessment/Behavioral Intervention Plan
33. Beautification Project



34. Short-term suspension (1-3 days)
35. Professional school counselor, mental health clinician or school psychologist completes a Suspension Re-Entry Check-In
- 36. Community conferencing or mediation**
37. Referral to IEP/504 team (students with disabilities) for manifestation determination
- 38. Alternative Programs**
39. Suspension Request (long-term 4-10 days)
- 40. Alternative Administrative Services**
- 41. Alternative educational placement**
- 42. Behavioral Threat Assessment**
43. Extended suspension (between 11 and 45 days)
44. Expulsion (45 days or longer; to be considered in most extreme cases)

Any assertion that teachers will be unable to control their classrooms without the ability to have children arrested for this seldom-used charge is categorically false. It is unacceptable for Maryland to continue criminalizing children for acting like children at school. The “disturbing school” charge pushes Black children and children with disabilities further and further along the school-to-prison pipeline and harms our kids.

For these reasons, the Public Justice Center strongly supports House Bill 627.

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Data used in graphs drawn from a combination of Department of Juvenile Services Data Resource Guide (<https://djs.maryland.gov/Pages/Data-Resource-Guides.aspx>) and data provided by Department of Juvenile Services to authors in response to a request pursuant to the Maryland Public Information Act, Md. Code Gen. Prov. §§ 4-101-4-601. Received Nov. 30, 2023. Data available upon request.