

## HOUSE WAYS and MEANS COMMITTEE

### HOUSE BILL 68: Student Protection Act of 2025

January 23, 2025

#### Position: Oppose

The Maryland Coalition to Reform School Discipline (CRSD) is a coalition of advocates, service providers, and community members dedicated to transforming school discipline practices in Maryland's public schools. Our mission is to promote discipline practices that are fair, responsive to students' needs, and supportive of their path to graduation.

**CRSD strongly opposes** HB 68, which seeks to prohibit students **suspected** of a crime of violence from attending public school in person until they are no longer identified as suspects. This bill is unnecessary, harmful, and violates fundamental principles of equity, justice, and federal law. It undermines protections under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and due process while perpetuating harmful racial disparities and contributing to the school-to-prison pipeline.

#### Racial Disparities and the School-to-Prison Pipeline

##### 1. Racial Disparities in School Discipline:

Maryland's school discipline data consistently reveals that Black students, particularly Black boys, are disproportionately subjected to exclusionary discipline and criminalization. Black students make up approximately **33%** of the Maryland student population but account for **65% of reportable offenses**<sup>1</sup>. HB 68 would exacerbate these disparities by targeting students suspected—rather than convicted—of crimes of violence, further entrenching systemic inequities.

##### 2. School-to-Prison Pipeline:

Exclusionary practices, such as those proposed in HB 68, disconnect students from supportive environments and push them toward involvement with the juvenile and criminal justice systems. Studies show that students who are removed from school are more likely to experience academic failure, disengagement, and subsequent incarceration.<sup>2</sup> This bill aligns with practices that criminalize children instead of supporting their development and rehabilitation, fueling the school-to-prison pipeline.

<sup>1</sup> Maryland Department of Juvenile Services, *Data Resource Guide Fiscal Year 2023* (December 2023) [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2023.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2023.pdf). In FY 23, DJS received 1277 complaints for Black children alleging crimes of violence and 328 Black children charged with crimes of violence were found delinquent and placed in juvenile detention or placed on probation. That same year, DJS received 284 complaints for white children alleging crimes of violence and only 50 of them were found delinquent and placed in juvenile detention or placed on probation.

<sup>2</sup> Janet Rosenbuaam, *Educational and criminal justice outcomes 12 years after school suspension*, *National Library of Medicine*, (June 11, 2020), available at [https://pmc.ncbi.nlm.nih.gov/articles/PMC7288849/#:~:text=In%20a%2013%2Dyear%20national,\)%20\(Shollenberger%2C%202015\)](https://pmc.ncbi.nlm.nih.gov/articles/PMC7288849/#:~:text=In%20a%2013%2Dyear%20national,)%20(Shollenberger%2C%202015).).

### 3. **Labeling Theory:**

HB 68 reinforces harmful labels by branding students as suspects, stigmatizing them before they have an opportunity to defend themselves. Labeling theory demonstrates that these negative labels often become self-fulfilling prophecies, leading to social isolation, reduced opportunities, and increased involvement in the criminal justice system.<sup>3</sup> For students of color and students with disabilities, these labels amplify existing marginalization and inequities.

## **Violations of IDEA, Section 504, and ADA**

### 1. **Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE):**

IDEA requires that students with disabilities receive a FAPE in the LRE appropriate to their needs. HB 68 imposes automatic exclusions without any consideration of the individualized needs of students with disabilities or their educational rights.

### 2. **Individualized Review and Manifestation Determinations:**

Under IDEA, disciplinary changes in placement for students with disabilities must include an individualized review by the IEP team to determine if the alleged behavior was a manifestation of the student's disability. HB 68 circumvents this process entirely, potentially penalizing students for behaviors directly tied to their disabilities.

## **Due Process and Presumption of Innocence**

### 1. **Presumption of Innocence:**

HB 68 imposes punitive measures based on suspicion alone, disregarding the foundational legal principle of "innocent until proven guilty." Students who are later cleared of suspicion will have already faced harm, including disruption of their education and social stigmatization.

### 2. **No Procedural Safeguards:**

The bill lacks provisions for appeal, review, or timelines for reintegration into school. This leaves students in limbo, excluded indefinitely, without any clear process for resolving their status or contesting their exclusion.

## **Existing Protections Render HB 68 Unnecessary**

Maryland's **reportable offense statute (Md. Code, Educ. § 7-303)** already provides comprehensive mechanisms to address safety concerns:

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<sup>3</sup> Ryan Motz, et al. *Does contact with the justice system deter or promote future delinquency? Results from a longitudinal study of British adolescent twins*, *National Library of Medicine*, (Dec 29, 2019), available at <https://pubmed.ncbi.nlm.nih.gov/articles/PMC7317788/>

- **Law Enforcement Notification:** Schools are promptly notified of reportable offenses involving students within 24 hours or as soon as practicable.
- **School Authority:** School administrators retain the discretion to assess whether a student poses an “imminent threat of serious harm” and make appropriate decisions about placement.
- **Individualized Consideration:** The current statute allows for case-by-case evaluations, ensuring that decisions are based on the specific facts and circumstances of each situation, rather than blanket policies like those proposed in HB 68.

The existing framework balances the need to maintain school safety with the rights and educational needs of students. HB 68 is not only redundant but undermines this balanced approach by creating unnecessary and harmful barriers to education.

## Conclusion

HB 68 is a deeply flawed proposal that perpetuates systemic inequities, violates federal laws, and undermines students’ rights and futures. It disregards existing protections under the reportable offense statute, exacerbates racial disparities, and stigmatizes students based on suspicion alone. Rather than isolating and criminalizing students, Maryland must focus on evidence-based, equitable approaches to school safety that support all learners.

For these reasons, the Maryland Coalition to Reform School Discipline **strongly opposes** HB 68.

For more information, please contact: [CRSDMaryland@gmail.com](mailto:CRSDMaryland@gmail.com)

### Members of Maryland Coalition to Reform School Discipline:

Disability Rights Maryland  
 The Choice Program at UMBC  
 Public Justice Center  
 Sayra and Neil Meyerhoff Center for Families, Children and the Courts  
 Maryland Developmental Disabilities Council  
 Progressive Maryland  
 League of Women Voters of Maryland  
 Project HEAL, Kennedy Krieger Institute  
 Maryland Office of the Public Defender  
 Strong Schools Maryland  
 ACLU of Maryland  
 Positive Schools Center, University of Maryland Baltimore, School of Social Work  
 Maryland Alliance for Racial Equity in Education (MAREE)  
 Social Work Advocates for Social Justice UMB  
 Maryland Youth Justice Coalition