



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Commission on Juvenile Justice

Marc Elrich  
*County Executive*

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*Director*

February 12, 2025

HB 627 - Favorable

Delegate Vanessa E. Atterbeary  
Chair, Ways and Means Committee  
130 Taylor House Office Building  
Annapolis, Maryland 21401

Dear Chair Atterbeary:

Thank you for the opportunity to submit written testimony in support of House Bill 627 on behalf of the Montgomery County Commission on Juvenile Justice (MC CJJ).

MC CJJ was established to advise the Montgomery County Executive, the County Council and the Juvenile Court on matters concerning juvenile justice. Our work includes gathering and disseminating information from public and private agencies serving youth, monitoring juvenile justice programs and services, visiting facilities, closely following relevant State and local legislation, and making recommendations regarding juvenile needs. MC CJJ is composed of appointed, volunteer citizen members, and agency members representing the Child Welfare Services Program, the Montgomery County State's Attorney's Office, the Office of the Public Defender, the Montgomery County Police Department, Montgomery County Public Schools, and the Maryland Department of Juvenile Services.

MC CJJ supports HB 627, which aims to exclude schoolchildren from being charged with crimes under Section 26-101 of the Maryland Education Code. The centerpiece of Section 26-101 is the crime of "willful" school disturbance, a vague law that criminalizes any number of actions and communications that are often part of normal adolescent behavior. These are subjective offenses without clear definition to students and are based on the interpretations of school officials and law enforcement, including school resource officers. Accordingly, under current law, schoolchildren can be—and are—brought into the juvenile justice system for words, non-verbal expressions, attitudes, frustrations, and bad moments rooted in adolescence or trauma. These actions are then interpreted or otherwise perceived as "disruptions" or "threats" that result in criminal culpability for an otherwise undeserving child. Subjective offenses, such as the undefined "disruptions" and "threats" criminalized by Section 26-101, disproportionately impact Black schoolchildren (especially Black girls) and students with disabilities. Interpretations of these statutes are informed by explicit and implicit racial and intersectional biases which involve the use of discretion and result in disparate discipline based on race, socio-economic status, and other factors.<sup>1</sup> According to data compiled by the Maryland Coalition to Reform School Discipline, Black schoolchildren in Maryland are 5.5 times more likely to be referred to the Department of

<sup>1</sup> Cheryal Staats, *Implicit Racial Bias and School Discipline Disparities*, KIRWAN INS., <http://spedfoundations.pbworks.com/w/file/fetch/108996172/bias%20discipline%20Kirwan.pdf> (last visited Feb. 25, 2024).

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Juvenile Services (DJS) for “disturbing” schools than White schoolchildren. Similarly, schoolchildren with disabilities are 3.3 times more likely to be referred to DJS than children without disabilities.

In addition, a “disturbing school” charge – as applied to schoolchildren – is superfluous because it is essentially always connected to a specific underlying charge, such as assault or harassment. Very rarely is it a stand-alone charge. In fact, as shown by the data compiled by the Maryland Coalition for School Discipline, in FY 2023 *none* of the referrals to DJS for the stand-alone charge of “disturbing schools” led to formal charges.

Thus, for all these reasons, this crime should not apply to schoolchildren.

We continue to urge the General Assembly, and other stakeholders, to holistically address the needs of juveniles by dedicating resources to their development and rooting out biases in Maryland’s justice system. Excluding schoolchildren from the criminal prohibitions of Section 26-101 would be a positive and significant step.

For these reasons, we request a Favorable report on HB 627.

Sincerely,

*Melissa Goemann*

Melissa Goemann, Co-Chair

*Carlotta Woodward*

Carlotta Woodward, Co-Chair

Montgomery County Commission on Juvenile Justice