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House Bill 68: Public Schools - Children Suspected of a Crime of Violence - Prohibition on In-Person Attendance (Student Protection Act of 2025)

Hearing before the House Committee on Ways and Means, January 23, 2025

Position: UNFAVORABLE

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 opposes HB 68 because it will **permanently ban thousands of children from Maryland schools**. Because of the bias present at every level of our legal system, the children that HB 68 will ban from our schools will be mostly Black children, further criminalizing a group of children who are already exceedingly marginalized.

HB 68 will temporarily affect far more children of color than white children and it will permanently impact at least **656% more children of color** each year than white children.

From July 2022 to June 2023, when charged with a crime of violence, **children of color were 46% more likely to be convicted** than white children.¹ This means that even when controlling for the severity of the charge, the bias present in juvenile prosecution of leads to more children of color ending up with a crime of violence on their record. Bias at all levels in our juvenile legal system compounds the effects of racism on children of color, especially Maryland's Black boys.

¹ In FY 23, DJS received 1277 complaints for Black children alleging crimes of violence and 328 Black children charged with crimes of violence were either placed in juvenile or placed on probation. That same year, DJS received 284 complaints for white children alleging crimes of violence and only 50 of them were either placed in juvenile detention or placed on probation. Maryland Department of Juvenile Services, *Data Resource Guide Fiscal Year 2023* (December 2023)

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2023.pdf.

The reportable offense data from the 2023-2024 school year reveals stark racial disparities in Maryland's school discipline practices. Black students accounted for 65% of all reportable offense incidents, despite comprising just 33% of Maryland's student population. Black boys, in particular, are overrepresented, reflecting systemic biases in how schools and law enforcement handle discipline and referrals. Students with disabilities are disproportionately impacted at a rate **259% higher than students without disabilities**.

Federal and Maryland law both require student behavior to be considered on an individualized basis. The IDEA requires that a student's placement be determined by their IEP team. And Maryland discipline law requires that when determining if a student is a threat to the school environment, their individual context and risk factors must be considered. This bill violates the law as well as its underlying principles.

We cannot give up on our children; they are our responsibility. We cannot solve our problems by exiling children from their school communities.

For these reasons, the PJC strongly opposes House Bill 68.

For more information, please contact:

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