

## HOUSE WAYS and MEANS COMMITTEE

### HOUSE BILL 137: Public Schools - Children Charged With a Crime of Violence - Prohibition on In-Person Attendance (School Safety 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 137**, which seeks to prohibit students from attending public school in person if they have been charged with a crime of violence. This bill is unnecessary, harmful to students, and raises significant concerns about equity, due process, and compliance with federal law.

#### Existing Protections Make HB 137 Unnecessary

When a child is charged with a crime of violence, Maryland law already provides robust mechanisms to protect school safety:

- **Juvenile Court Oversight:** Before any child charged with a crime of violence is released into the community, a juvenile court must determine that the child does not pose a danger and does not need to be held in the custody of the Department of Juvenile Services (DJS).
- **School Authority:** If a child is not in DJS custody, school staff retain the authority under the reportable offense statute to determine whether allowing the student to attend school poses an “imminent threat of serious harm” to others.

Maryland’s **reportable offense statute (Md. Code, Educ. § 7-303)** requires law enforcement to notify schools of certain serious criminal charges within 24 hours or as soon as practicable. School officials must then determine the appropriate response, including whether a change in placement is necessary, based on the specific circumstances of the case. These protections

provide the flexibility needed to address safety concerns while maintaining due process and ensuring the child's educational rights.

### **HB 137 Disproportionately Impacts Black Students and Students with Disabilities**

From July 2022 to June 2023, when charged with a crime of violence, children of color were **46% more likely to be found delinquent** than white children.<sup>1</sup> This means children of color will experience by far the biggest impact of HB 137. HB 137 will **temporarily affect 450% more children of color** than white children and it will **permanently impact 656% more children of color** each year than white children.

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.

Furthermore, students with disabilities are disproportionately impacted, with **466 of the reported incidents involving students receiving special education services, a rate 259% higher than students without disabilities**.

HB 137 would exacerbate these disparities by creating a one-size-fits-all approach to student exclusion.

### **Violation of Federal Law**

HB 137 is not only unnecessary but also unlawful. The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 require that students with disabilities receive a **free appropriate public education (FAPE)** in the **least restrictive environment (LRE)**. Mandating exclusion from in-person school based solely on criminal

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<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.

charges violates these legal protections, as it bypasses the individualized determinations made by an IEP team.

### **Education is Key to Preventing Recidivism**

Research consistently shows that education is the number one protective factor against recidivism. By removing students from in-person schooling, HB 137 isolates them from critical academic, social, and emotional supports. Virtual learning and home-based instruction are inadequate substitutes for the comprehensive educational experience provided in traditional school settings, particularly for students with learning disabilities or other deficits.

### **Conclusion**

HB 137 duplicates existing protections, undermines due process, disproportionately impacts Black students and students with disabilities, and violates federal law. Rather than improving school safety, this bill would harm the very students who need support the most.

CRSD **strongly opposes** HB 137 and prioritizes equitable, evidence-based solutions to address school safety concerns.

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

#### **CRSD Members:**

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