



Joint Testimony of The University of Baltimore School of Law’s Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) & Center for Criminal Justice Reform (CCJR)

In Opposition to HB 68

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

January 23, 2025

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. The CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities in all that we do to work towards transforming systems that create barriers to family well-being. CFCC offers this testimony in partnership with the Center for Criminal Justice Reform (CCJR) at the University of Baltimore School of Law. The CCJR is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system.

CFCC and CCJR respectfully submit this joint testimony to strongly oppose HB 68, which seeks to prohibit students from attending public school in person if they are a suspect in a crime of violence. This bill violates due process, raises significant concerns regarding its potential life-long negative impact on students (especially Black youth) imposes an unreasonable risk to public safety, violates the spirit and purpose of juvenile justices and will result in absurd outcomes.

I. HB 68 violates students’ due process rights..

While our fellow advocates will expound upon this point more deeply, we cannot bypass the egregious due process violation that HB 68 poses. In *Goss v. Lopez*¹ the U.S. Supreme Court held that students have a property interest in education which cannot be denied without adequate due process. HB 68 fails to provide such a process and will result in an unconscionable violation of students rights, especially because impacted students will only be suspected, not adjudicated, of a crime.

¹ 419 U.S. 565 (1975).

II. HB 68 will disproportionately and unnecessarily isolate Black students from supportive, school-based services.

This bill will disproportionately and unnecessarily isolate Black students from services that are essential to their well-being and academic success. Maryland schools are not simply buildings where students read books and take tests. Maryland is home to many community schools, where students and their families are able to receive food, counseling, and disability-related services. By banning students who are only suspected of committing a crime of violence from school grounds, students will not be able to access essential services such as a meal, speech therapy, or cognitive behavior therapy.

Banning students from school grounds significantly increases the risk of a youth's involvement with the legal system.² Research shows that students who are disconnected from school are less likely to complete high school and are at an increased risk of imprisonment later in life.³ We are deeply concerned that HB 68 would exacerbate the racial disproportionality in Maryland's school-to-prison pipeline. Black students comprise nearly one-third of Maryland's student population yet represent approximately 65% of reportable offense incidents for the 2023-2024 school year.⁴ Notably, Black students are the only racial group disciplined at a higher rate than their total enrollment.⁵ If Black students are subjected to the school ban imposed by HB 68, then many of those Black students will be undernourished, underserved, undersupported and eventually overrepresented in the criminal legal system, exacerbating the state's already extreme racial disparities. As highlighted by the Maryland Attorney General and Public Defender through the Maryland Equitable Justice Collaborative, Maryland already incarcerates the highest percentage of incarcerated Black people in the nation when compared to state population - a shameful distinction we must collectively work to address, not worsen.

Additionally, Black students are punished more harshly and more frequently than their peers for the same offense.⁶ Systemic racism remains a driving force behind a student's involvement with the legal system. This bill perpetuates those inequities and endorses the predatory practice of

² Gerlinger J, Viano S, Gardella JH, Fisher BW, Chris Curran F, Higgins EM. *Exclusionary School Discipline and Delinquent Outcomes: A Meta-Analysis*. J Youth Adolesc 50(8):1493-1509 .(Aug. 2021). <https://link.springer.com/article/10.1007/s10964-021-01459-3>

³ American University School of Education, *Who is Most Affected by the School to Prison Pipeline?*, (Feb. 24, 2021), <https://soeonline.american.edu/blog/school-to-prison-pipeline/>.

⁴ Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024*, (Dec. 30, 2024), [https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303\(j\)_2024.pdf](https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303(j)_2024.pdf)

⁵ Sunderman, Gail L., et al., *High Suspending Schools in Maryland: Where Are They Located and Who Attends Them?* (Oct. 2018), https://education.umd.edu/sites/default/files/uploads/MEP_Out-of-School%20Suspensions2_Oct%202018_0.pdf.

⁶ Sunderman, Gail L., et al., *High Suspending Schools in Maryland: Where Are They Located and Who Attends Them?* (Oct. 2018), https://education.umd.edu/sites/default/files/uploads/MEP_Out-of-School%20Suspensions2_Oct%202018_0.pdf.

setting marginalized students up for failure, all while failing to address the root causes of these disparities or make students safer.

III. Instead of making our schools and communities safer, HB 68 imposes an unreasonable risk to public safety.

This bill will result in students having more unstructured time in the community while their caregivers work. Adolescence is a time of human development marked by youthful risk-taking and a need for guidance and developmentally-appropriate correction from caring adults.⁷ Without adequate supervision and meaningful engagement, students who are banned from school pursuant to HB 68 will likely engage in unproductive and harmful behaviors that negatively impact their life trajectories and communities.⁸ While proponents of this bill suggest that it will ensure a safe school environment, instead of eliminating those risks it shifts them to the broader community, creating an unnecessary and avoidable burden. This approach ultimately increases the foreseeable need for additional services to support and re-engage these vulnerable students.

IV. HB 68 undermines the purpose and spirit of the youth justice system.

Punishing youth simply for being suspected of a crime of violence contradicts the principles of the juvenile justice system. Juvenile adjudication aims to determine whether a youth has committed a delinquent act and to identify rehabilitative recourse, not to impose punishment. The juvenile justice system is grounded in the assumption that youth are fundamentally different from adults and have the potential to change through developmentally-appropriate services and restorative practices.⁹ This bill disregards this fundamental understanding and penalizes youth without due process by depriving them of their education and opportunities to succeed at a time when they need it the most.¹⁰

V. HB 68 will result in absurd outcomes by unnecessarily excluding children from school for typical youth behaviors.

In Maryland, students have been removed from school for up to an entire school year for reportable offenses involving a crime of violence.¹¹ Crimes of violence in Maryland include assault, mayhem, and attempted carjacking. While these acts can be severe, it is crucial to

⁷ The UCLA Center for the Developing Adolescent, *The Science Behind Adolescent Risk Taking and Exploration*, <https://developingadolescent.semel.ucla.edu/topics/item/science-of-risk-taking#:~:text=%E2%80%8BA%20adolescents%20are%20generally%20more.responsibilities%2C%20and%20more%20challenging%20schoolwork>. (Last visited Jan. 21, 2025)

⁸ David Osher, *Exclusionary School Discipline*, (Nov. 1, 2020), <https://www.air.org/resource/spotlight/exclusionary-school-discipline>.

⁹ Youth.gov, *Juvenile Justice*, <https://youth.gov/youth-topics/juvenile-justice> (last visited Jan. 20, 2025).

¹⁰ Maryland State Education Association, *School Discipline in Maryland: A Look Backward and Forward*, https://www.marylandeducators.org/sites/default/files/docs/communique/history_and_overview_of_discipline_policy.pdf (last visited Jan. 20, 2025).

¹¹ Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024*, (Dec. 30, 2024), [https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303\(j\)_2024.pdf](https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303(j)_2024.pdf).

recognize that these charges can also include acts that are minimal, especially in some instances of assault.¹²

Under Maryland Law, assault includes slapping or pushing someone or even threatening to do so, where minor injuries to the victim may occur but are unlikely. These minor conflicts, often rooted in typical youthful disagreements, are commonplace in school settings and can effectively be addressed through less punitive means. These counterproductive and unbalanced results are especially troubling due to the absence of due process protections for youth who may be excluded from school.

Conclusion

HB 68 will unjustly disproportionately impact Black students based on suspicion and contribute to the worsening of community safety, all while contradicting the core of the juvenile justice system and violating federal law.

For these reasons, the CFCC and CCJR strongly oppose HB 68 and urge an unfavorable report.

¹² Md. Code Ann., Crim. Law § 14-101 (LexisNexis 2025).