

Testimony *In Support of H.B. 620 (Favorable)*
Primary and Secondary Education – Reportable Offense – Alteration

To: Delegate Vanessa E. Atterbeary, Chair, Members of the Ways and Means Committee

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Date: February 21, 2024

I am a student attorney in the Youth, Education and Justice Clinic at the University of Maryland Francis King Carey School of Law (“the Clinic”). We represent children in Maryland who have been pushed out of school via suspension, expulsion, or other means, as well as individuals serving life sentences for crimes committed when they were children or emerging adults. Since access to education for all children is essential, we request a favorable report on H.B. 620.

H.B. 620 seeks to limit reportable offenses to “crimes of violence” (as defined in Md. Crim. § 14-101). Maryland’s reportable offense law, set forth in Md. Educ. § 7-303, requires law enforcement officers to report to schools those students who are arrested for crimes of violence as well as a litany of other offenses that occurred off school grounds and not at a school-sponsored event.¹ H.B. 620 recognizes both the potential lifelong consequences of removing a child from school for a reportable offense and that the current reportable offense law is overly broad, with a long list of qualifying offenses. In response, H.B. 620 seeks to limit reportable offenses to crimes of violence, which are the most serious offenses.

H.B. 620 is an important step toward decriminalizing Maryland youth in schools. Children are criminalized in schools through suspensions and expulsions,

¹ MD. CODE ANN, EDUC., § 7-303(A)(6)(III)(1) - (13).

law enforcement presence in schools (which, among other things, leads to more arrests in schools),² and overly broad reportable offenses. As the Ways and Means Committee knows, *any* reportable offense can result in a change to the student's educational plan, including removal from school or placement in an alternative educational setting.

Recognizing that removal is harmful to children, the Maryland General Assembly, in 2022, amended Maryland's reportable offense law to provide the same protections to children charged with a reportable offense as children facing suspension or expulsion.³ Under this framework, a school can only remove a child who is charged with a reportable offense upon a determination that the child poses an "imminent threat of serious harm to other students or staff."⁴ Limiting reportable offenses to crimes of violence ensures that the processes that could result in removal are narrowly tailored.

Further, H.B. 620 would help to address the disproportionate removal of Black children from Maryland schools. Although Black children and white children each comprised 32.5% of the total enrollment in Maryland's public schools for the 2023-24 school year,⁵ Black children made up 65% of those arrested for reportable offenses.⁶ Black children are also disproportionately pushed out of school via suspension and expulsion. In the 2023-24 school year, Black children represented 57% of suspensions and expulsions, while white children represented only 20%.⁷ H.B. 620, through limiting reportable offenses to the most

²See generally Kayla Susalla, *School Resource Officers: Is Police Presence in Schools Doing More Harm than Good?*, CATO INSTITUTE (July 24, 2023), <https://www.cato.org/blog/school-resource-officers-police-presence-schools-doing-more-harm-good>; John Marinelli, *Get Police Out of Maryland Schools*, MARYLAND MATTERS (Sept. 23, 2021), <https://marylandmatters.org/2021/09/23/opinion-get-police-out-of-maryland-schools/>. See also KRISTIN HENNING, *THE RAGE OF INNOCENCE: HOW AMERICA CRIMINALIZES BLACK YOUTH*, 122 –39 (2021) (detailing harmful aspects of law enforcement officers in schools, including increased arrests for minor infractions)

³ MD CODE, ANN, EDUC., § 7-303(h).

⁴ COMAR 13A.08.01.17.D (1).

⁵ MARYLAND STATE DEPARTMENT OF EDUCATION, ENROLLMENT BY RACE/ETHNICITY AND GENDER AND NUMBER OF SCHOOLS, MARYLAND PUBLIC SCHOOLS, SEPTEMBER 30, 2023, 1 (Jan. 2024), https://www.marylandpublicschools.org/about/Documents/DCAASSP/20222023Student/2023_Enrollment_ByRace_Ethnicity_Gender.pdf

⁶ MARYLAND STATE DEPARTMENT OF EDUCATION, REPORTABLE OFFENSES DATA: MARYLAND PUBLIC SCHOOLS, SCHOOL YEAR 2023-2024, MSAR # 14032, MD. CODE EDUCATION § 7-303, 18 (December 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).

⁷ MARYLAND STATE DEPARTMENT OF EDUCATION, DIVISION OF ASSESSMENT, ACCOUNTABILITY, PERFORMANCE REPORTING & RESEARCH, SUSPENSIONS, EXPULSIONS, AND HEALTH RELATED EXCLUSIONS, 2023-24, 11 (Dec. 2024), <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>.

serious offenses, seeks to treat children as children and will reduce racial disparity in school removal across the state.

Additionally, students whose offenses have been reported to schools may face stigmatization from school administrators, teachers, or school student resource officers. Such stigma could contribute to the students' low self-esteem, negative attitudes towards authority, and erosion of positive relationships with classmates, teachers, and school administrators.⁸ For example, "the stigma surrounding the label of 'criminal' can ostracize children from their peers and remove support typically provided at school."⁹ Thus, reportable offenses, by themselves, can stigmatize children, another reason to limit such offenses to crimes of violence.

In sum, H.B. 620 would limit reportable offenses to the most serious offenses, decrease the criminalization of children in Maryland, reduce the disproportionate impact of reportable offenses on Black children, and reduce school removals as well as the long-term harms that follow. For these reasons, we ask for a favorable report on H.B. 620.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

** Admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar*

⁸E.g., Kristin Henning, *Eroding Confidentiality in Delinquency Proceedings: Should Schools and Public Housing Authorities Be Notified?* 79 N.Y.U. L. Rev. 520, 527 (2004) ("Confidentiality advocates continue to fear that authority figures and even peers who learn about a child's delinquent conduct forever will view the child as deviant and consciously or subconsciously treat the child differently, expecting the worst.").

⁹ Susalla, *supra* note 2.