



Empowering People to Lead Systemic Change

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DisabilityRightsMD.org

WAYS AND MEANS COMMITTEE

TESTIMONY OF DISABILITY RIGHTS MARYLAND

HOUSE BILL 630 – MARYLAND PHONE-FREE SCHOOLS ACT

February 12, 2025

Position: Oppose

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM is a leader in Maryland's educational advocacy community, working on issues such as school discipline, restraint and seclusion, juvenile justice, and enforcing the rights of students with disabilities. DRM has significant experience representing students with disabilities statewide.

Because of the unintended consequences of House Bill 630, DRM opposes this proposed legislation. House Bill 630 would require each county board of education to develop and implement a policy limiting the use of cellular phones by students during the school day, with limited exceptions for a student's use of a cellular phone for any purpose documented in the student's individualized education program, to monitor or address a student's documented health condition, during an emergency event, or when directed by an educator or administrator for educational purposes.

We understand that technology, particularly social media, presents a "profound risk of harm" to youth mental health, especially for youth already experiencing poor mental health.¹ There is undoubtedly a need for support for our students around cell phone usage and social media. However, with regard to banning cell phones in schools outright, DRM urges this committee to consider research, such as that done by Adam McCready, an assistant professor in residence at the University of Connecticut's Department of Educational Leadership. McCready states that "research findings are not as confident as the public narrative is. Simply taking away devices doesn't lead to improved wellbeing outcomes."² McCready also notes that bans alone are not effective without education on healthy technology habits. DRM urges this legislature to support efforts like those in SB 897, which would create a Student Technology and Social Media Resource Guide, and to require students to participate in education on healthy technology habits,

¹ Office of the Surgeon General (OSG). Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory. US Department of Health and Human Services (2023).

² *Id.*

before banning technology outright. A ban without an education component is unlikely to improve school climate, and is very likely to make it worse.

Although HB 630's cell phone ban attempts to carve out an exception for students with disabilities, carve-outs like this have the potential to exacerbate stigma and discrimination that create barriers to social and academic inclusion for students with disabilities. One goal for advocates in identifying viable assistive technology for students with disabilities is to identify the technology that students are already using. When students use existing technology such as smart phones as communication devices, organizational tools, timers, etc., they often feel more comfortable utilizing their accommodations and assistive technology. By restricting most cell phone use to students with disabilities, HB 630 could increase the stigma students with disabilities can encounter utilizing accommodations in classrooms.³ In some settings, students have reported fear of utilizing accommodations due to the desire to keep their disability status private.⁴ Students who use a cell phone based on a health issue, 504 or IEP plan, may become more reluctant to use the tool that allows them to thrive in their classrooms because nondisabled students will notice the difference in rules for these students. Students with disabilities who see their peers treated differently by this policy may also become more aware of their differences and experience lower confidence.⁵

Disability Rights Maryland also has significant concerns with the disciplinary measures required by HB 630. Disciplinary measures in schools disproportionately impact students with disabilities and Black and Brown students. Research shows that implicit bias, cultural stereotypes, and explicit prejudice explain why Black and Brown students are disciplined at much higher rates than white students. In Maryland, students with disabilities are twice as likely to be suspended or expelled as their non-disabled peers and Black students are about three times as likely to experience exclusionary discipline as white students, despite the enrollment of Black and white students being nearly identical. This is all the more true for subjective offenses such as disrespect, defiance, or disruption. Teachers are more likely to refer Black students to the office for disciplinary action, even when they exhibit the same behavior as white students, and once in the office, Black students are more likely to receive a harsher punishment.

Students with disabilities already face significant barriers to academic and social engagement in their school environments. Rather than a policy that singles out students with disabilities and creates the likelihood of punitive disciplinary action against students who are already more likely to be disciplined, these students need a policy that promotes healthy technology use with the

³ Nicole Porter, *Special Treatment Stigma in Higher Education*, THE REGULATORY REVIEW, PENN CAREY LAW PROGRAM ON REGULATION (Oct. 27, 2021), <https://www.theregreview.org/2021/10/27/buonocore-porter-special-treatment-stigma-in-higher-education/>.

⁴ Ruth Colker, *Universal Design: Stop Banning Laptops!*, 39 CARDOZO L. REV. 483, 490 (2018), <https://cardozolawreview.com/wp-content/uploads/2018/08/COLKER.39.2.pdf#page=2>.

⁵ *Beyond Labels: Removing the Stigma of Special Education*, UNIVERSITY OF TEXAS (2024), <https://online.utpb.edu/about-us/articles/education/beyond-labels-removing-the-stigma-of-special-education/>.

goal of creating a positive school climate in a way that does not inadvertently cause students with disabilities to stand out from their peers.

For these reasons, DRM opposes HB 630.