



To: Committee Chair, Judiciary Committee
From: Ashley Devaughn, Youth Justice Policy Director
Re: HB1546 - Reportable Offenses - Alterations
Date: February 27, 2020
Position: Support

Thank you for the opportunity to provide testimony on HB1546 - Reportable Offenses - Alterations. Advocates for Children and Youth (ACY) SUPPORTS this bill.

During the 2019 Legislative Session House Bill 0897- Juvenile Law – Reportable Offenses was introduced and if passed would have put students at risk of being stigmatized in a new school setting and prevented students from ever having a fresh start. The previous bill would have directly interfered with the rehabilitation of youth in the juvenile justice system and created barriers to youth having a fresh start in their new academic setting.

This bill codifies the Department of Juvenile Services requirement to notify the new/ transfer school principal of the student's reportable offense and how educators should use the information to provide supplemental supports for the student in the educational environment. Providing juvenile records to educators without clear specifications will stigmatize youth in the educational setting.

The previous bill was brought by representatives from Washington County schools that made repeat references to children in their jurisdiction placed in group homes that had contract with DJS. They have stated that at least 7 such children have been sent to "alternative" schools or programs because of simply having a reportable offenses.

This bill is needed because Maryland law needs to clearly delineate between two kinds of collected information and their purposes: one body of education-related information for education-related purposes, and one carefully controlled body of reportable offense information for safety and security. At no point should the information itself, or their purposes, mix. Further, according to the DJS Data Resource Guide, of the total number of youth placed statewide in group homes, 65% were Black, 12% were Hispanic/Other, and 23% were White. We must ensure educational system are not determining student placements based on race or an adjudicated offense but rather based on individual educational need.

As a former Educator working directly with this population in the educational setting, I reject the idea that information about a child's arrest or disposition on a reportable offense has any relevance to academics. Information about what may or may not have happened outside of the school setting should never be used a barrier in the school setting.

For these reasons it is imperative that this legislation be passed to codify what must be done If a child has a social or emotional issue that needs to be addressed by the school. Schools are address these issues through the internal school processes such as Student Support Team (SST) or Response to Intervention (RTI). Both are multi-tier approaches to the early identification and support of students with learning and behavior needs. The SST and RTI process begins with high-quality instruction and universal screening of all children in the general education classroom. Struggling learners are provided with interventions at increasing levels of intensity to accelerate their rate of learning. These services may be provided by a variety of personnel, including general education teachers, special educators, and specialists. Progress is closely monitored to assess both the learning rate and level of

performance of individual students. Educational decisions about the intensity and duration of interventions are based on individual student response to instruction. SST and RTI are designed for use when making decisions in both general education and special education, creating a well-integrated system of instruction and intervention guided by child outcome data.

Additionally, students may be assigned an Individualized Education Program (IEP) or 504 plan. Those records must and do follow a child from school to school. By federal law, a multidisciplinary team must determine that (1) the child has a disability and (2) that the child requires special education and related services to benefit from the general education program. An IEP is a written document that's developed for each public-school child who is eligible for special education. The IEP is created through a team effort and reviewed at least once a year.

We urge this committee to issue a favorable report on HB1546 - Reportable Offenses – Alterations.

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