



Testimony before the House Judiciary Committee

House Bill 48: Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

****Letter of Information****

January 28, 2021

Board of Child Care provides community based behavioral health, therapeutic residential and special education services for youth and families from throughout Maryland. Although we believe that **House Bill 48: Registered Sex Offenders – Entry Onto School Property** is well intended, we have concerns about potential unintended consequences of this legislation and submit this letter of information for consideration.

House Bill 48 proposes specific restrictions that will limit how young people designated as sex offenders can be educated. Although alternative educational options are proposed, those options are inadequate and potentially inappropriate for those impacted.

Concerns of Note:

- Many non-public education programs – the non-public equivalent of RICA - serve young people with emotional disabilities that may include co-occurring offender histories, sexual reactivity, and often a history of sexual abuse. These young people receive not only education but also behavioral health treatment in these programs. Because some young people may receive educational services until age 21, it's possible a student may be on the sex offender registry. HB48 would require these youth be educated at RICA or through Home & Hospital.
- This well-intended legislation may result in young people being served unnecessarily outside of their home communities and/or at a higher level of care due to the limited scope of options for education provided.

By way of example, Board of Child Care's Strawbridge School provides Type I non-public special education services to young people through age 21 years old. As a Type I school, we provide educational services to young people with a variety of emotional and cognitive disabilities; this may include young people both registered and unregistered as adult and youth offenders.

From our years of experience, we know that this population can be served safely in programs like ours. It requires diligence on the part of the educational institution, as well as enhanced supervision protocols; these are typically embedded into the young person's IEP. The

majority of our student offenders have been young adults 18-21 years old with significant cognitive disabilities, extensive trauma histories and diagnosed emotional disabilities. For these youth, Strawbridge provides the only stable therapy these students receive as offender therapy is frequently unavailable in the community. HB45 would unintentionally restrict access to therapeutic services available in the various special educational settings around the state for those who qualify.

Furthermore, youth who don't have an IEP would be forced to remain out of school entirely until being accepted to RICA. In most cases, Home and Hospital, provides 6 hours a week of instruction, 1/5th of what students get while in school. Additionally, Home and Hospital is a support only to be used for 60 consecutive days for Emotional Crisis and must be recommended by a psychiatrist or physiologist. Transition back to school is critical to planning for Home and Hospital Instruction.

In summary, Board of Child Care appreciates the intent of HB45 to keep students safe. However, we believe there are unintended consequences that may result in unnecessary educational disruption or limit access to important therapeutic services.

Submitted by:

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