



## MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Delegate Vanessa E. Atterbeary, Chair  
Delegate Jheanelle K. Wilkins, Vice Chair  
Ways and Means Committee Members

FROM: Maryland Legislative Latino Caucus

DATE: March 6th, 2023

RE: HB1114 Education - Prohibited Behavior on School Grounds  
and Property - Application

### **The MLLC supports HB1114 Education - Prohibited Behavior on School Grounds and Property - Application, 2023**

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB1114.

This bill modifies a section of the Education code (26-101) so students will no longer be charged with a misdemeanor if they "...willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education." The consequences of Education 26-101 are felt most heavily by Black, Brown, and disabled children.<sup>1</sup> Because of implicit bias, people often perceive behavior of Black and Brown children as more threatening compared to the same behavior conducted by white children of the same age.<sup>2</sup>

In Maryland, the application of this school disturbance law has not been consistent, with Maryland courts having made varied determinations on what counts as disturbing school, even in similar situations.<sup>3</sup> With no clear distinction between them, one classroom fight was held to be a school disturbance, while another was not, showing just how subject to bias school officials, officers, and local judges can be.<sup>4</sup> According to 2020 data, 82% of children charged with disturbing school activities or personnel in Maryland were children of color. This bias, when combined with the ability to charge children with criminal offenses, contributes to the school-to-prison pipeline.<sup>5</sup>

For these reasons, The Maryland Legislative Latino Caucus respectfully requests a favorable report on HB1114.

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<sup>1</sup> Maryland State Department of Education, *Maryland Public Schools Arrest Data*. (2020).

<https://marylandpublicschools.org/stateboard/Documents/2020/0623/MarylandPublicSchoolsArrestData20182019.pdf>.

<sup>2</sup> Maryland Advisory Committee to the U.S. Commission on Civil Rights. *Disparities in School Discipline in Maryland* (2019).

<https://www.usccr.gov/files/pubs/2020/01-14-MD-SAC-School-Discipline-Report.pdf>.

<sup>3</sup> Rivera-Calderón, N. (2019, September 10). *Arrested at the Schoolhouse Gate: Criminal School Disturbance Laws and children's rights in schools*. NLG Review - Social Justice Law Journal by the National Lawyers Guild.

<https://www.nlg.org/nlg-review/article/arrested-at-the-schoolhouse-gate-criminal-school-disturbance-laws-and-childrens-rights-in-schools/>.

<sup>4</sup> Ibid.

<sup>5</sup> Maryland Advisory Committee, *Disparities in School*. (Internet).