



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY IN SUPPORT OF HB615
(EDUCATION - PROHIBITED BEHAVIOR ON SCHOOL GROUNDS AND PROPERTY - APPLICATION)

Delegate Sheila Ruth
February 14, 2024

HB615 modifies a section of the Education code which currently allows students to be arrested and processed into the criminal justice system for typical adolescent behavior like storming out of class, talking back to an authority figure, or refusing to follow directions. This law is unnecessary, harmful to students, and doesn't belong in the Education code. HB615 remedies that by exempting students from this law, more appropriately making these cases an internal disciplinary matter.

Any conduct that rises to the level of criminal activity (e.g. threats, assault, firearms offenses, theft, trespassing, etc.) would still be able to be charged under the criminal code. If a crime is committed while on school property, it can be prosecuted as such. The problem with Education §26-101 is that it's used to prosecute children for behavior that would not be criminal in any other setting.

The data reinforces that this charge is unnecessary. In FY23, most charges under Education 26-101 were made in conjunction with other charges; two thirds of the cases were accompanied by a charge of misdemeanor assault. With the assault charge, the Disturbing School Activities charge is extraneous and unnecessary. Only 86, or roughly 10% of referrals in FY23 were for Disturbing School Activities or Personnel alone with no other charge. Of those who were charged only with Disturbing School Activities or Personnel **NONE were formally petitioned in FY23** and only 8 were informaled, or placed in diversion. This further shows how unnecessary these charges are. Even if the child is released at intake, as the vast majority are, the harm is done; as I will explain below, data shows that even an arrest can drastically impact a student's future.

The human brain doesn't reach full maturity when it comes to decision making or judgment until age 25, meaning young people often lack the impulse control that gives most adults the ability to filter their words and actions. Anyone who's ever been the parent of a teen knows that defiance is part of the territory. This doesn't mean that we should accept such misbehavior: young people need to learn appropriate behavior and that they must exhibit it. However, the criminal justice system isn't the correct place to learn that. In fact, trauma from contact with the criminal justice system may actually *increase* misbehavior and lead to a higher likelihood of children committing crimes in the future.

School behavior management systems can and should be used to teach young people appropriate behavior. For more challenging behavioral issues, diversion to social service agencies, community-based organizations, or local management boards are better alternatives to involving the criminal justice system.

[A 2006 study](#) found that “first-time arrest during high school nearly doubles the odds of high school dropout, while a court appearance nearly quadruples the odds of dropout.” The consequences of charging a student for acting in line with their age and brain development are potentially long-term and devastating, and play a role in the school-to-prison pipeline.

The consequences of this law also most heavily impact our Black, Brown, and disabled students.

According to new data obtained from DJS, 858 students were charged with disturbing school activities or personnel in FY23. **73% of the students arrested under this law in FY23 were Black**, 2.24 times the 32.7% of students in Maryland schools who identify as Black. Because of implicit biases, people often perceive the behavior of Black children as more threatening compared to the same behavior conducted by white children of the same age. Studies have shown that white adults also tend to overestimate the age of Black children, leading to unrealistic behavioral expectations.

The same data shows that 32.9%, or one third, of students arrested under this law in FY23 were students with disabilities, 2.57 times the 12.8% MSDE population of students with disabilities. Students with developmental disabilities may, due to those disabilities, sometimes act out in ways that can be incorrectly perceived as threatening. In some cases, students are arrested for these behaviors that are covered in their IEP.

This bill passed the House of Delegates in 2021 and 2022, and the crossfile passed the Senate in 2022 in a slightly different form due to an amendment. I introduced it this year in the form that passed the Senate.

The ultimate goal of the education code should be student success and preparation for their future. The criminal charges in Education 26-101 run counter to that goal and do not belong in the education code, and it’s time to clean it up and stop criminalizing typical student behavior. I ask for a favorable report for HB615.