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House Bill 206: Education - Student Behavior – Parent and Guardian Notice and Required Counseling (Parent and Guardian Accountability Act)

Hearing before the House Committee on Ways and Means, January 31, 2024

Position: UNFAVORABLE

The Public Justice Center (PJC) is a nonprofit legal services organization which advocates for social justice, and economic and racial equity in Maryland, including by upholding the rights of historically excluded and underserved students through individual representation, community outreach, and systemic advocacy. The PJC's Education Stability Project is committed to making discipline responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. PJC opposes HB 206, which would require parents to seek out and participate in counseling with their child if the child engages in "violent and disruptive behavior" at school and face criminal conviction if they fail to do so.

PJC recognizes the benefits of counseling and its potential effectiveness in the lives of students. However, HB 206 would not be effective for the following reasons.

First, HB 206 penalizes parents rather than improving the accessibility of counseling to every student. The bill specifically mandates counseling in response to the behavior of students in public schools but does not hold the school accountable for providing counseling, mediation, or trauma-informed practices. The bill establishes that the notification to the parent mandating counseling shall include "referrals to community resources and other appropriate counseling services." However, there is no guarantee that the community resources and counseling services recommended to the parent will be available free of charge. The inevitable result is that many lower income parents will be unable to comply with the counseling requirement, and face conviction as a result. If the school is not required to provide free counseling to the students in question, then parents who are unable to afford other counseling services or do not have access to the appropriate healthcare will be unjustly penalized.

Second, the behavior that triggers required counseling, "two or more incidents of violent and disruptive behavior," is vague and could include any two run of the mill schoolyard fights during a given school year. The bill mandates counseling without a proper analysis of whether the student exhibits chronically violent or disruptive behavior. No parent should be at the risk of conviction due to incidents that could be resolved by effective practices in school settings.

Third, the bill does not clarify the parameters of the parent's participation in counseling services. The parent or guardian must "seek and participate in counseling with their child." To what extent the parent is legally required

to participate is unclear. If a parent is required to invest a significant amount of time participating in counseling, the bill would penalize parents for potential scheduling conflicts.

Fourth, the proposed court order for convicted parents to perform community service is not constructive to solving the issue at hand. If a student exhibits violent or disruptive behaviors at school and is unable to access counseling for any reason, mandating the parent or guardian to spend time in community service will only cause more strain on the family while doing nothing to remedy conflicts or behavioral issues at school. A bill that claims to prioritize the well-being of students, schools, and families should not criminalize parents while neglecting the concerns of violence and disruption.

Finally, counseling is not likely to remedy the underlying behavioral or mental health issues if students are forced to participate, especially if the counseling is framed as a response to a school discipline issue. Forcing parents to seek and participate in counseling with their children under the threat of conviction is not likely to result in effective counseling outcomes. While counseling has a great potential to help students, our focus should be on increasing access to, and availability of counseling, it is more likely to be effective if counseling is made voluntary and accessible to students.

HB 206 is not an effective mechanism in helping students with behavioral or mental health needs. Rather, it unnecessarily penalizes parents without providing the infrastructure necessary to obtain mental health services.

For these reasons, the PJC strongly opposes House Bill 206.

For more information contact:

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