

Support HB 615/SB 512: Amend the Education Code to Stop Criminalizing Student Behavior

HB 615/SB 512 will amend Md. Code Educ. § 26-101, which currently makes it a crime to “willfully disturb or otherwise willfully prevent the orderly conduct” of school, so that the prohibition would no longer apply to students who are enrolled at the school. We must stop criminalizing typical childhood and adolescent behavior.

What is the problem with the current law?

Permits Arrests for Childhood & Adolescent Behavior

By charging students for “disturbing school,” Maryland law criminalizes a wide range of childhood & adolescent behaviors that can and should be addressed by school administrators and school interventions. The law is so broad that it leads to children being arrested for talking back, not returning to their classroom, or refusing to follow directions. Current law **labels typical childhood & adolescent behavior, or behavior stemming from disability, trauma, abuse, neglect, or poverty, as “criminal” conduct – instead of addressing behavior as an indicator that the young person needs support to thrive.** Referring students to the criminal legal system for these behaviors is ineffective, harmful, and a poor use of financial resources.

Hundreds of Children Arrests Each Year

Since 2018, the Maryland Department of Juvenile Services received **more than 6,000 referrals** for children charged with “disturbing school.”

Discriminatory Impact

The term “disturbing” is vague and, therefore, highly discretionary, and susceptible to disparate application. **Black children are 5.5 times more likely to be referred** to DJS for “disturbing schools” than white children. **Children with disabilities are 3.3 times more likely to be referred** than children without disabilities.

Unnecessary, Duplicative, & Harmful

In FY 23, there were zero cases where the “disturbing schools” charge was legally necessary. In nearly all cases, “disturbing schools” was charged alongside more serious charges, like assault. Of referrals where the only charge was “disturbing schools,” zero resulted in formal charges. It is **exclusively used to leverage more severe punishment** against a child.

Black children are

Children with disabilities are

5.5x **3.3x**

more likely to be charged for “disturbing school” than white children

more likely to be charged for “disturbing school” than children without disabilities

What would HB 615/SB 512 do?

- ◆ Students will no longer face criminal charges for normal childhood behaviors that could be perceived or characterized as disrupting school.
- ◆ Schools still have a wide variety of tools to address disruptive behavior:
 - School-based discipline responses**
 - Positive behavior supports**
 - Family engagement**
 - Trauma informed practice**
 - Special education services and other strategies.**
- ◆ Schools can refer students to social service agencies, community-based organizations, or local management boards for additional services instead of charging them with a crime.
- ◆ **HB 615/SB 512** would not change to any other provisions of criminal law; students could still be charged with assault, threats, property destruction, or other crimes that may occur in schools