

BILL: Senate Bill 119
TITLE: Education - Crimes on School Grounds - Application
DATE: March 24, 2022
POSITION: SUPPORT
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE) supports Senate Bill 119 as amended in the Senate. Local boards of education place a high priority on providing a safe workplace and learning environment for each student and staff person. MABE also supports a progressive student discipline system that emphasizes in-school responses to student behaviors that provide professional educational and behavioral health supports to affected students. In this light, MABE supports Senate Bill 119 and its amendments to the provisions of the Education Article which inappropriately criminalize certain student behaviors on school premises.

Importantly, the bill would exclude only students from the criminal charges provided under this section of law. Additionally, the amendments made to this bill in the Senate would allow students on exclusionary discipline to be charged under this statute. These approaches reflect amendments adopted by this committee in the previous legislative session.

MABE supports Senate Bill 119 because it would retain the prohibition against non-student conduct contained in the Education Article, which states that “A person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education.” Enacting Senate Bill 119 and its amendments would ensure that any person other than a current student who enters a school and willfully disturbs the ongoing education being conducted would continue to be subject to a charge and penalty under the law, in addition to any other applicable crimes contained in the Criminal Law statute. Again, local school systems are committed to each and all of their students becoming college and career ready and ensuring that the appropriate use of school discipline furthers that goal. MABE has adopted the position of supporting the State Board’s initiative to require local boards to reform student discipline policies to:

- Prohibit “zero tolerance” policies;
- Reflect a philosophy that fosters positive behavior;
- Provide continuous education services to all suspended and expelled students; and
- Hold school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students.

Legislation enacted in 2019 required local boards of education to revise local board policies related to student discipline to provide for restorative practices. This law defines “restorative approaches” as a relationship-focused student discipline model that (1) is preventative and proactive; (2) emphasizes building strong relationships and setting clear behavioral expectations that contribute to the school community well-being; (3) in response to behavior that violates clear behavioral expectations, focuses on accountability for any harm done by the problem behavior; and (4) addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

For these reasons, MABE requests a favorable report on Senate Bill 119 with the amendments adopted by the Senate.