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Testimony before the Ways and Means Committee

In OPPOSITION to House Bill 1175- Public Schools - Reporting of Assaults, Crimes of Violence, and Felonies (Report Act of 2019)

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In this era of increased awareness of school-based acts of violence, it is perfectly rational and commendable to pursue the most effective methods of keeping children and youth across Maryland as safe as possible. However, we mustn't allow knee-jerk reactions to influence our long-term policy decision-making processes. There is a fine line between awareness of an issue and the hyper-securitization of public schools.

HB 1175 requires school administrators to file police reports for assault, crimes of violence, and felonies that take place on school grounds. **We are not opposed to reporting crimes of violence, felonies, or extreme instances of assault that take place on school premises.** We hope and would like to trust that school leaders and their school resource officers/school police throughout the state are filing those reports when those very unfortunate situations arise.

House Bill 1175 has good intentions but has critically flaws in its composition that present extremely dangerous consequences for groups of students who are already disproportionately represented in the state's school discipline data. That is to say, HB 1175 is potentially dangerous for students of color, students with disabilities, non-native English speaking students, low-income students, homeless students, and students whose sexual orientation or gender identity is marginalized in the mainstream, as all these groups are disproportionately represented in school discipline data.

Assault, however, is defined as assault, battery, and/or both, all terms which retain their judicial meaning. In Maryland, assault can include threats of or actual physical acts of violence (common or second degree assault). **This bill theoretically allows a school administrator's subjective determination of a student as a threat to constitute assault, thus transforming a subjective interpretation of a student's disposition into a police report.** Given disproportionate disciplinary data and a general lack of consistent anti-bias training throughout the state, it would be irresponsible to pass a bill with such a potential impact.

We do know, however, that there are very real instances of first degree assault and even battery taking place in schools. We know of these instances as schoolyard fights. While the behavior is completely undesired and restorative approaches to discipline are necessary to hold students who fight at school accountable for their actions, introducing law enforcement is not an appropriate action for every instance.

Imagine a playground fight between two 3rd graders: 8 year-olds should not be the subject of police reports. **Schoolyard fights must have consequences, but can also serve as opportunities to engage unheard students in conflict resolution, peer mediation, and identify students who might benefit from counseling.**

When we force school administrators to defer to law enforcement on an ever broadening range of developmentally appropriate, undesired school behaviors, we send the message that we don't trust our school administrators, school resource and police officers, school staff, students, or their families to reach peaceful resolutions in ways that are suitable for their communities. We must be careful to never cross that line. As such, **ACY strongly urges an unfavorable report on HB 1175 unless amended.**