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## **Testimony before the Judiciary Committee**

### **In OPPOSITION of House Bill 0897/ Senate Bill 13- Juvenile Law – Reportable Offenses**

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March 21, 2019**

Thank you for the opportunity to provide testimony on House Bill 0897- Juvenile Law – Reportable Offenses. Advocates for Children and Youth (ACY) OPPOSES this bill.

#### **We urge this committee to issue an unfavorable report on HB 0879.**

This bill puts students at risk of being stigmatized in a new school setting as the Department of Juvenile Services would be required to notify the new school principal of the student's case history and preventing students from ever having a fresh start.

This bill will directly interfere with the rehabilitation of youth in the juvenile justice system and creates barriers to youth having a fresh start in their new academic setting. Providing juvenile records to educators will also stigmatize youth in the educational setting.

Each public school student has a record of his or her attendance, grades and other information about their school performance. Each student's official record includes notice of any long-term suspension or expulsion, and the conduct for which the student was suspended or expelled. No school staff, Superintendent or designee can expunge or remove from the student's education record the notice of suspension or expulsion.

The cumulative record file includes personal and family data; health and immunization information; attendance reports; standardized test dates and results; elementary, middle, and high school inserts or grade sheets; copies of birth certificates; driver education certificates; and references to dates of separation due to graduation, withdrawal or expulsion.

The file also may include photographs, correspondence to and from parents and/or guardians and school personnel, and court order documents such as birth date and name change verification.

There are current provisions in law that allow school systems access to critical information about a youth's criminal history. This law will stigmatize youth for no reason in an education setting that should be focused on improving the academic performance of the student.

We oppose this amendment for the following reasons:

The phrase "and related services" is ambiguous. To the extent that it describes educational information, it is already covered as noted above. To the extent that "related services" is non-educational information and disclosure to the school is illegal under both state and federal confidentiality laws.

Some of the amendments are intended to clarify that the information to be reported under subsection (F) (as described in amendment #1 above) be "used to provide" services for the "social, emotional and academic development of the student."

- "academic development:"

We reject the idea that information about a child's arrest or disposition on a reportable offense has any relevance to academics. Information about what may or may not have happened outside of the school setting should be used a barrier in the school setting.

- "social, emotional...development:"

If a child has a social or emotional issue that needs to be addressed by the school, this can be addressed through the internal school processes such as Student Support Team (SST) or Response to Intervention (RTI). Both are multi-tier approaches to the early identification and support of students with learning and behavior needs. The SST and RTI process begins with high-quality instruction and universal screening of all children in the general education classroom. Struggling learners are provided with interventions at increasing levels of intensity to accelerate their rate of learning. These services may be provided by a variety of personnel, including general education teachers, special educators, and specialists. Progress is closely monitored to assess both the learning rate and level of performance of individual students. Educational decisions about the intensity and duration of interventions are based on individual student response to instruction. SST and RTI are designed for use when making decisions in both general education and special education, creating a well-integrated system of instruction and intervention guided by child outcome data.

Additionally, students may be assigned an Individualized Education Program (IEP) or 504 plan. Those records must and do follow a child from school to school. By federal law, a multidisciplinary team must determine that (1) the child has a disability and (2) that the child requires special education and related services to benefit from the general

education program. An IEP is a written document that's developed for each public school child who is eligible for special education. The IEP is created through a team effort and reviewed at least once a year.

- A child under the care or supervision of DJS is required by law to receive any social and emotional support and services needed.

GENERAL CONCERNS STILL UNADDRESSED:

- Representatives from Washington County schools are advocating for this bill with repeated references to children in their jurisdiction placed in group homes that contract with DJS. They have stated that at least 7 such children have been sent to "alternative" schools or programs because of reportable offenses.

We believe Maryland law needs to clearly delineate between two kinds of collected information and their purposes: one body of education-related information for education-related purposes, and one carefully controlled body of reportable offense information for safety and security. At no point should the information itself, or their purposes, mix.

Second, according to the 2018 DJS Data Resource Guide, of the total number of youth placed statewide in group homes, 65% were Black, 12% were Hispanic/Other, and 23% were White. In a legislative session where a legislator has openly referred to an entire legislative district in Maryland by use of a racial epithet, now is not the time to turn a blind eye to the racial dynamics apparently underpinning this bill. The amendments to this bill do no improve the legislation and continues to stigmatize students.

**We urge this committee to issue an unfavorable report on House Bill 0879**



