

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 314: JUVENILE LAW – WILLFUL MISCONDUCT OF A MINOR – CIVIL LIABILITY OF A PARENT, GUARDIAN, OR CUSTODIAN (PARENTAL ACCOUNTABILITY ACT)

DATE: FEBRUARY 13, 2024

POSITION: OPPOSE

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland's public school systems. CRSD is committed to the fair and equitable treatment of all students, including pregnant and parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for all students. CRSD **opposes Senate Bill 314**. Senate Bill 314 would establish the joint and several liability of a parent, guardian, or custodian of a minor who commits an act of willful misconduct that results in the death or injury of an individual or damage to property.

CRSD has many concerns about Senate Bill 314. The first is that Senate Bill 314 continues an increasingly punitive trend towards parents for the misconduct of their child, even when the parent does not have physical control over their child.

Furthermore, CRSD is concerned about the limited exceptions to joint and several liability for parents. Senate Bill 314 includes two exceptions to a parent's joint and several liability: (1) when there is evidence that the parent had a protective order against the child at the time of the delinquent act, or (2) when there is evidence that the child owes restitution to the parent. These exceptions are very narrow and do not reflect the reality of when a parent exercises control over their child.

There is no exception within this bill for students with disabilities when the student's willful misconduct is disability related. Many students with disabilities have challenging behaviors that may result in injury to a person or damage to property, and this bill could disproportionately affect the families of students with disabilities. Additionally, Senate Bill 314 does not carve out an exception for when the student's behavior is the result of the student's school's failure to implement a student's individualized education program or behavior intervention plan with fidelity.¹ Senate Bill 314 does not include an exception for when the student is at school and therefore does not account for the fact that when a student is in school, the student is within the control of school staff.

Finally, CRSD is concerned that "willful misconduct" is an ambiguous term and is not defined within Senate Bill 314. The use of such an ambiguous term could allow for judicial discretion in the interpretation of what is "willful misconduct" and thereby, could have a disproportionate impact on students and families of color as well as students and families with disabilities.

For these reasons, CRSD opposes SB 314.

¹ See Md. Code. Regs. 13A.08.03.08(D)(2).

For more information, contact Annie Carver, chair of the legislative committee for CRSD, at CRSDMaryland@gmail.com

CRSD Members

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

Public Justice Center, Education Stability Project

The Choice Program at UMBC

ACLU of Maryland

FreeState Justice

Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law

Disability Rights Maryland

League of Women Voters of Maryland

Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law

Maryland Office of the Public Defender