



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB0588

Juveniles - Reportable Offenses

Bill Summary

This bill requires the Department of Juvenile Services (DJS), for students committed to its custody, to notify the local superintendent and the school principal of a school in which the student has enrolled or to which the student has been transferred of (1) the student's arrest for a reportable offense or an offense that is related to the student's membership in a criminal organization and (2) the disposition of the reportable offense. DJS must also provide information regarding any educational programming and related services provided to the student.

Racial Equity Impact Statement

The bill's provisions require DJS to (1) notify school officials of arrests for reportable offenses by students in their custody; (2) report on the dispositions of these arrests; and (3) report information regarding any educational programming or other related services a student has received while in DJS custody. This will provide crucial information for school officials to facilitate an affected student's return to in-person learning. The bill would also ensure the prompt return to regular in-school programming for students that were not formally processed by DJS or adjudicated delinquent, but were removed from in-person learning or otherwise disciplined following an arrest. Black students are mostly likely to benefit from the provisions of the bill as they are overrepresented in reportable offense arrests and school suspensions and expulsions.

Analysis

The bill's provisions would require DJS to notify school officials of reportable offense arrests for students in their custody and report back the disposition of any charges related to that student's arrest. The bill also extends various provisions of current law regarding the permissible treatment

of information obtained about a reportable offense and inclusion of the reportable offense data collected under the bill within existing annual reporting requirements.

Under existing law, a reportable offense is an offense that (1) occurred off school premises; (2) did not occur at an event sponsored by the school; and (3) includes a crime of violence, as specified in current law, and numerous other specified weapons, drug, assault, and theft-related offenses. When a student is arrested for a reportable offense or an offense related to the student's membership in a criminal organization, the law enforcement agency making the arrest must notify (1) the local superintendent; (2) the school principal; and (3) if appropriate, the school security officer. The law enforcement agency may also notify the State's Attorney.

In 2022, the General Assembly expressed concern about the purported misuse or overuse of school removals for students arrested for a reportable offense. Chapter 742 of 2022 clarifies that a "reportable offense" as it relates to students in public or nonpublic schools is an offense that occurred off school premises and did not occur at an event sponsored by the school. The Act also requires that students accused of reportable offenses be disciplined according to existing State regulations and provides for additional due process accommodations by allowing a student accused of a reportable offense to have an attorney attend the conference between the student or parent and principal or county superintendent.

Juvenile Intake Process

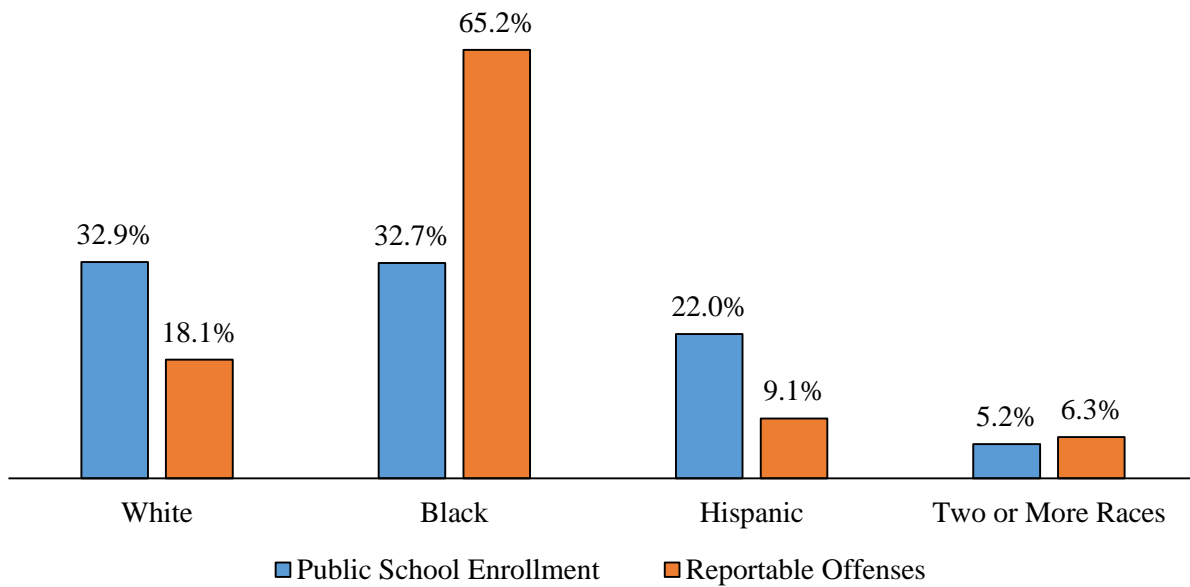
The intake process for juveniles accused of any criminal offense requires a determination as to whether the juvenile court has jurisdiction and whether judicial action is in the best interest of the public and/or the child. DJS intake officers are authorized to (1) disapprove a complaint as legally insufficient; (2) resolve the matter at intake with or without services; (3) propose an informal adjustment period (also called pre-court supervision); or (4) authorize the filing of a petition by the State's Attorney's Office. While DJS can informally handle all complaints, violent felonies and handgun violations must be reviewed by the State's Attorney and approved for informal adjustment/pre-court supervision. Informal adjustments serve to divert youth from formal juvenile court processing.

Alternative Education for Students Prohibited from In-person School Attendance

Under current law, students prohibited from in-person school attendance must be presented with alternative education options. The Juvenile Services Education Program (JSEP) is an independent education program housed in DJS that provides comprehensive educational services to all students in DJS detention and/or residential facilities. JSEP coursework is aligned with the Maryland State Department of Education (MSDE) standards and each student is enrolled in classes which meet their graduation requirements. Through JSEP, students may receive career and technology education certifications, specialized instruction, participate in GED completion, receive comprehensive school counseling support, and post-secondary opportunities. JSEP also includes instruction in core content subjects, library/media services, life skills, and special education services.

MSDE reported 986 reportable offense incidents during the 2022-2023 school year. Of these incidents, 65% involved Black students, 18% were white, 9% were Hispanic, and 6% involved students of two or more races. Asian, American Indian or Alaskan Natives, and Native Hawaiian/Pacific Islanders account for less than 2% of the total. **Exhibit 1** shows the racial and ethnic breakdowns for reportable offenses compared to each group’s share of the State’s public school population during the same time period.

Exhibit 1
Reportable Offenses and Public School Enrollment
by Race and Ethnicity
2022-2023 School Year



Source: Maryland State Department of Education

In addition, MSDE 2022-2023 school year data shows that there were 69,274 suspensions and/or expulsions for major offenses, several of which would be considered a reportable offense requiring notification of specified school officials under current law. Black students comprised 33% of the overall school enrollment but accounted for 58% of all suspensions and expulsions compared to their white counterparts that accounted for 21% of suspensions and expulsions and 33% of school enrollment.

The bill’s notification provisions regarding a student’s disposition after their arrest for a reportable offense may benefit any student arrested for specified offenses by permitting their prompt return to school upon a favorable disposition. Black students in particular may be impacted the most, as they make up a disproportionately large number of out-of-school suspensions and expulsions. In

the instance where an arrested student is subject to intake by DJS and potentially adjudicated delinquent, the bill would provide school officials with critical educational programming information should the student return to in-person schooling.

Conclusion

The bill's requirement for DJS to notify school officials of certain post-arrest outcomes for reportable offense arrests would benefit the affected students by allowing a faster return to regular school programming in those cases where an arrested student is not referred to formal proceedings. Black students in particular may be impacted to the greatest extent as they make up a large portion of reportable offense arrests as well as out of school suspensions and expulsions in general. The specific impacts, however, cannot be determined without more longitudinal data on arrest outcomes.

Information Sources: Maryland State Department of Education; Department of Juvenile Services; Department of Legislative Services

Analysis by: Dr. Mikaela Zimmerman

Published: 02/19/2025

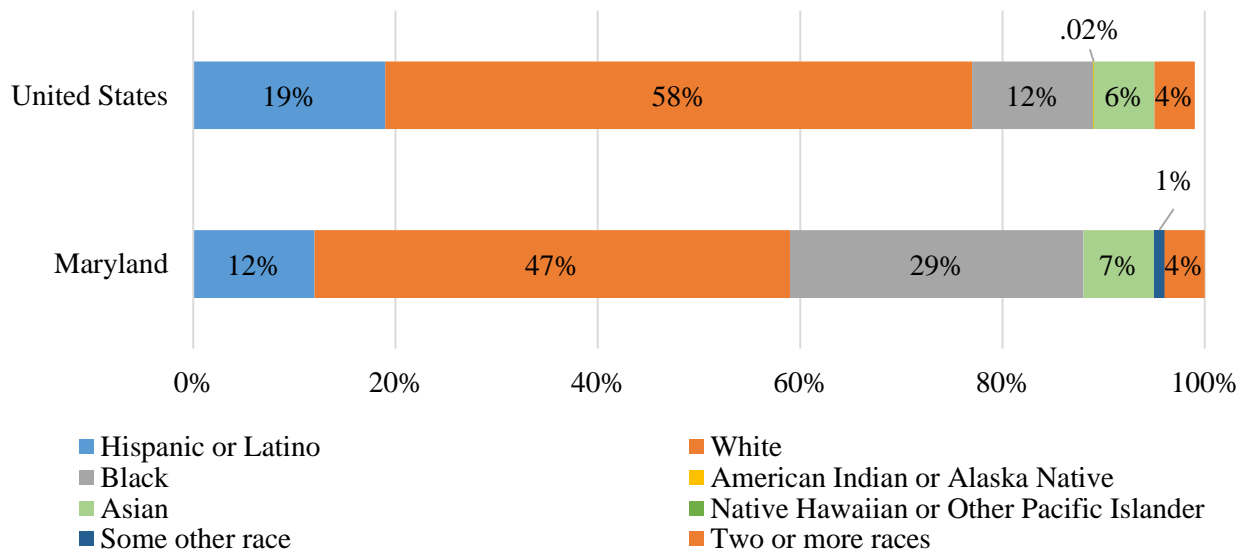
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.