



Washington County
**BOARD OF
EDUCATION**

W + M
Submittal
10435 Downsville Pike
Hagerstown, MD 21740
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BILL: House Bill 1546
TITLE: Education – Reportable Offenses - Alterations
HEARING DATE: February 27, 2020 (Judiciary)
POSITION: OPPOSE
COMMITTEE: Judiciary Committee and Ways and Means Committee
CONTACT: Mr. Anthony J. Trotta, Chief Legal Counsel (301-766-2946)
Mrs. Ardath Cade, Legislative Representative (410-991-9383)

The purpose of the reportable offense law is to promote school safety and to make certain that a student who has been charged with a reportable offense or has been adjudicated, receives an appropriate education. House Bill 1546 undermines the objectives of this law.

The Washington County Board of Education opposes House Bill 1546 for the following reasons:

First, the proposed changes redefine a reportable offense as only an offense that occurs off school property and not at an event sponsored by the local school system. For example, if a student rapes another student on school property or at an event sponsored by the school system, it would not be considered a reportable offense under the bill and the school system, which may not be aware of the offense, would not receive notice from law enforcement or the State's Attorney's Office. This could potentially compromise the safety and security of not only the victim, but also other school students and staff.

Second, certain criminal offenses that previously would trigger an offense to be classified as a reportable offense have been struck under the proposed amendments. Most concerning is the striking of the offenses under Criminal Law Article §§ 5-602 and 5-608.1, which concern the distribution of controlled dangerous substances and fentanyl. The distribution of controlled dangerous substances, including fentanyl, should continue to be classified as a reportable offense especially considering the current opioid crisis that many counties in the state are experiencing.

Third, the bill no longer requires that the arrest of a student triggers a reportable offense notification from local law enforcement. Under the proposed amendments, the student must now be charged with or have a petition filed in juvenile court before notification is provided and only then by the State's Attorney if he/she so chooses. Taking away the requirement that school systems be notified of a reportable offense arrest has the potential of placing the alleged victim and other students and staff in danger. By failing to require that a school system receive notification of a reportable offense arrest, the school system cannot take the necessary steps to protect a victim.

Fourth, the review process to determine the most appropriate placement of a student has been transformed under the bill into an Individualized Education Plan-type process. Decisions relating to the most appropriate placement for the student would be made in consultation with the student support team, the student, the parent or guardian, and if the student has an Individualized Education Plan (IEP), the IEP team, or if the student

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has a §504 Plan, the 504 team. The student and his/her parent or guardian would have the right to appeal the decision of the student support team.

The current process is effective in determining the school or program that can offer the best and most appropriate services to assist the student both academically and behaviorally. Staff also keeps in mind the safety of other students and staff when determining the most appropriate placement.

Lastly, school systems would be required to submit extensive information on an annual basis regarding each notification of a reportable offense. This will require extensive staff time to compile, especially for school systems that receive a significant number of reportable offenses. This is another unfunded mandate that requires staff and time to manage.

WCBOE urges the committee to issue an unfavorable report on House Bill 1546.

Thank you.

cc: Washington County Board of Education Members
Washington County Delegation to the Maryland General Assembly
Dr. Boyd J. Michael, III, Superintendent
Dr. April Bishop, Deputy Superintendent
Dr. Peggy Pugh, Associate Superintendent for Curriculum and Instruction
Mr. Jeffrey Proulx, Chief Operating Officer
Mr. John Martirano, Deputy Legal Counsel
Mr. Steve Ganley, Safety and Security/Risk Manager
Mr. John Woolums, Director of Governmental Relations, Maryland Association of Boards of Education