

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 203
Judiciary

(Delegate R. Long)

Education - Reporting Arrests of Students - Alterations

This emergency bill requires that the Maryland Center for School Safety (MCSS), the State Board of Education (SBE), and the State’s Attorney be notified when a student is arrested for specified crimes. A local superintendent must also notify MCSS and SBE when a student who was arrested no longer resides in the jurisdiction of the county board of education. The bill also makes conforming changes related to the confidentiality and disposition of student arrest records.

Fiscal Summary

State Effect: State law enforcement agencies can provide the required notifications, and MCSS and SBE can receive the notifications, with existing resources. The bill may have an operational effect on both agencies to establish procedures for receiving and maintaining the records. No effect on revenues.

Local Effect: Local public safety agencies and school systems can provide the required notifications with existing resources, as discussed below. No effect on revenues.

Small Business Effect: None.

Analysis

Current Law: 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 (the bill requires notification of the State’s Attorney).

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. If a student is removed or excluded from the student's regular school for a reportable offense, the student's attorney (if applicable) must be invited to participate in a conference between the student or the student's parent or guardian and the principal or county superintendent.

Except by order of a juvenile court with good cause shown, information about a student's arrest is confidential and may not be redisclosed, except as specified, and may not be part of the student's permanent educational record. A superintendent may share the information as part of a confidential file with another superintendent or a nonpublic school in the State in which the student has enrolled. The information shared must include information regarding any educational programming and related services provided to the student. SBE is required to adopt regulations to ensure that information obtained by local superintendents, principals, or school security officers is used only for specified educational purposes and is destroyed when the student graduates, otherwise permanently leaves school, or turns 22 years old, whichever comes first.

Local Expenditures: The bill requires local school superintendents to notify MCSS and SBE when a student who has been arrested no longer resides in the school system. Local school systems have previously advised that they do not have resources to track the residency of a particular individual. However, they can notify the appropriate parties when a student is no longer enrolled in any of their schools. To the extent that disenrollment serves as a reasonable proxy for no longer living in the school district, local school systems can provide the required notification with existing resources. Otherwise, they may incur additional expenses to establish a residency tracking system for arrested youth.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1268 of 2022; HB 27 of 2021; and HB 1649 of 2020.

Designated Cross File: None.

Information Source(s): Maryland State's Attorneys' Association; Maryland State Department of Education; Maryland Center for School Safety; Montgomery County Public Schools; Department of Legislative Services

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rh/clb

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