

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 68 (Delegate Mangione)
Ways and Means

Public Schools - Children Suspected of a Crime of Violence - Prohibition on In-Person Attendance (Student Protection Act of 2025)

This bill prohibits a child who has been identified by law enforcement as a suspect in a crime of violence – as defined in current law – from in-person attendance at a public school until the investigation is complete and the child is no longer identified as a suspect. For children prohibited from in-person attendance at a public school, each local school system must provide educational options aligned with criteria in current law for the education of registered sex offenders and registered juvenile sex offenders and that are separate from other students. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Potential significant increase in expenditures in some local school systems to accommodate any increase in the number of children requiring out-of-school instruction; other systems advise that they can accommodate any increase with existing resources. No effect on local revenues. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Section 14-101 of the Criminal Law Article defines 26 separate crimes as “crimes of violence,” including murder, rape, assault, arson, carjacking, child abuse, and sexual offenses.

Education of Registered Sex Offenders

Each local school board must develop and adopt a policy that enables a registered sex offender who is a student to receive an education. The State Board of Education must develop and adopt guidelines and a model policy to assist local school boards with the development of their respective policies.

Registered sex offenders who are students may receive an education in any of the following locations:

- a location other than a public or nonpublic elementary or secondary school by participating in (1) a Home and Hospital Teaching Program for Students or (2) a program approved by the local school board, as specified;
- a Regional Institute for Children and Adolescents; or
- a nonpublic educational program, as specified.

Home and Hospital Instruction

Under State regulations, local school systems must make instructional services available to students who are unable to participate in their school due to a physical or emotional condition, including but not limited to kidney failure, cancer, asthma, cystic fibrosis, sickle cell anemia, depression, and bipolar disorder. Instructional services must be available to all students during convalescence or treatment time in a medical institution or therapeutic treatment center and at the student's place of residence. Each local school system must determine the manner in which instructional services are delivered, develop safety procedures, and develop a review process to resolve any disagreement that arises. Instructional services must be delivered by an individual with at least a bachelor's degree. Regulations further specify options for the delivery of instruction and requirements for the duration of instruction.

Virtual Schools

Chapter 804 of 2023 defined a virtual school as a public school established by a local board or multiple local boards that uses one or more technologies to deliver instruction to its students entirely or primarily online and in which students and instructors participate remotely from separate locations. It authorized local school systems, subject to the approval of the Maryland State Department of Education (MSDE), to establish one virtual school for the elementary, middle, and high school grade bands. Chapter 804 included additional requirements for teachers employed by virtual schools, students enrolled in virtual schools, and for curricula and services provided by virtual schools. MSDE can revoke approval of a virtual school under specified conditions.

Local Expenditures: The bill likely has varying effects on local school systems, with some systems advising that they can accommodate an increase in the number of students requiring out-of-school instruction with existing programs, and others advising that any increase would require significant expenditures to hire additional teachers and find additional space to provide out-of-school instruction. Some local school systems and MSDE indicate that expanded use of virtual learning, currently allowed under State law, may address some of these concerns. As the number of children meeting the bill's conditions for out-of-school instruction will likely fluctuate over time and vary from school system to school system, a reliable estimate of the effect on local operations and finances is not feasible, but it could be significant in some counties and at varying times.

Additional Comments: To the extent that the bill may be in conflict with the federal Individuals with Disabilities Education Act and/or other constitutional or federal due process requirements, it may result in litigation involving local school systems and/or the State. As any such effects are speculative, any State or local costs associated with such litigation are not reflected in this analysis.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Maryland Department of Health; Department of Human Services; Department of Juvenile Services; Department of State Police; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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