



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2022 Session
HB0146

Education - Reportable Offenses and Student Discipline - Children With Disabilities and Reporting

Summary

As introduced, this bill alters the definition of “reportable offense” by omitting certain offenses under current law and to include only offenses that occurred off school premises, that did not occur at events sponsored by the school, and that involved certain violent crimes. The bill repeals the requirement that a law enforcement agency notify certain individuals if a student was arrested for a reportable offense. The bill repeals the requirement that the local superintendent and the school principal consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense. If a student is adjudicated delinquent or convicted of a reportable offense, the State’s Attorney may notify the local superintendent, school principal, and the school resource officer. If such notice is provided, the State’s Attorney must provide a copy to the student’s defense attorney. A student’s attorney must be invited to participate in disciplinary conferences related to discipline for a reportable offense and a principal or county superintendent may not ask questions related to a reportable offense of a student unless the student’s attorney is present.

Maryland Demographics

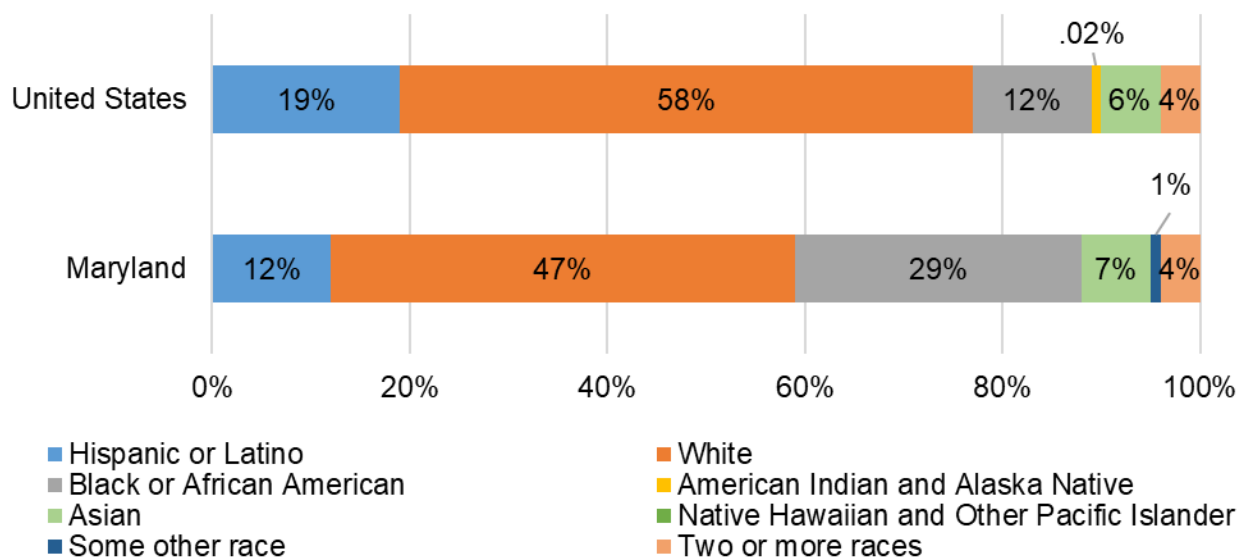
Race and Ethnicity of the Maryland Population

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 single race demographic group in the State of Maryland comprising 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 population, the largest shares of the non-White population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American 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.

Racial Equity Impact Statement

State law obligates law enforcement agencies to inform specified school officials when a student has been arrested for a “reportable offense.” Reportable offenses are outlined in statute and

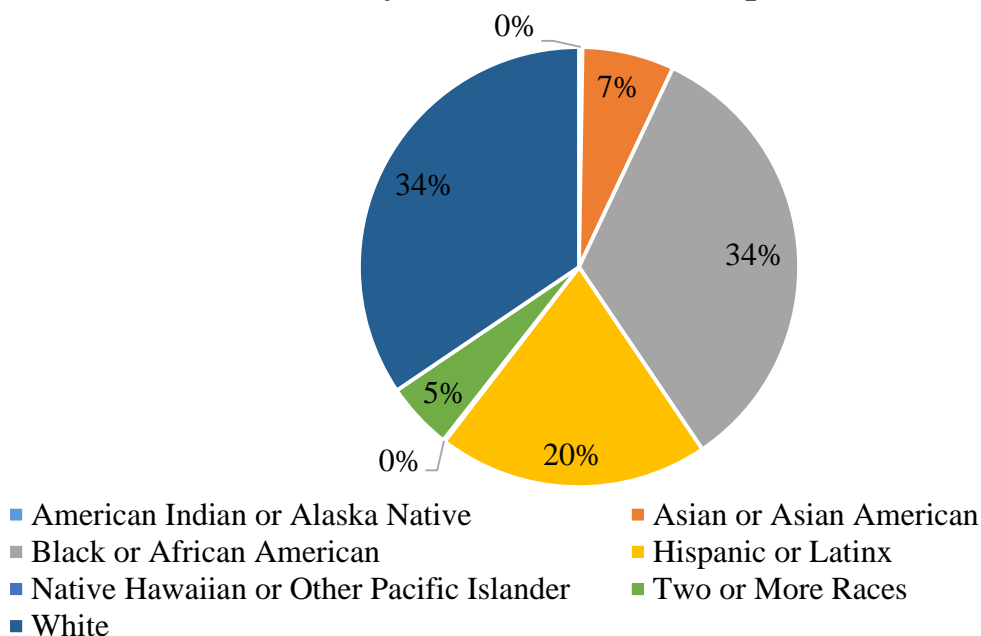
generally consist of serious and/or violent crimes including murder, kidnapping, and armed carjacking among others. As introduced, the bill reduces the overall list of reportable offenses and delays the reporting of these offenses until the student is actually adjudicated delinquent or convicted of the offense. The bill also limits the definition of reportable offenses to those that occur off-campus and that are not associated with any school-sponsored activities. Under existing law, if a student is arrested for a reportable offense – on or off school property – the law enforcement agency making the arrest must notify the local superintendent and the school principal within 24 hours of an arrest or as soon as practicable.

The following offenses represent a partial list of the offenses removed by the bill from existing statutory reporting requirements. Portions of this analysis will focus on this combined selection of offenses omitted from the reporting requirements since they are currently tracked by the Department of Juvenile Services and the Department of State Police (DSP): (1) possession of dangerous weapons; (2) possession of controlled dangerous substances; (3) possession of destructive devices; (4) arson; (5) assault in the second degree; (6) general crimes against another person’s property; (7) stealing a motor vehicle; and (8) first-degree burglary.

Race and Ethnicity of the Maryland K-12 Student Population

In the 2020-2021 school year, Maryland had a K-12 student population of 882,538. As shown in **Exhibit 2**, 34% of this population identify as White, 34% as Black or African American, 20% as Hispanic or Latinx, 7% as Asian or Asian American, 5% as biracial or multiracial, and less than 1% identify as either American Indian or Alaska Native or Native Hawaiian or Pacific Islander.

Exhibit 2
Maryland K-12 Student Population



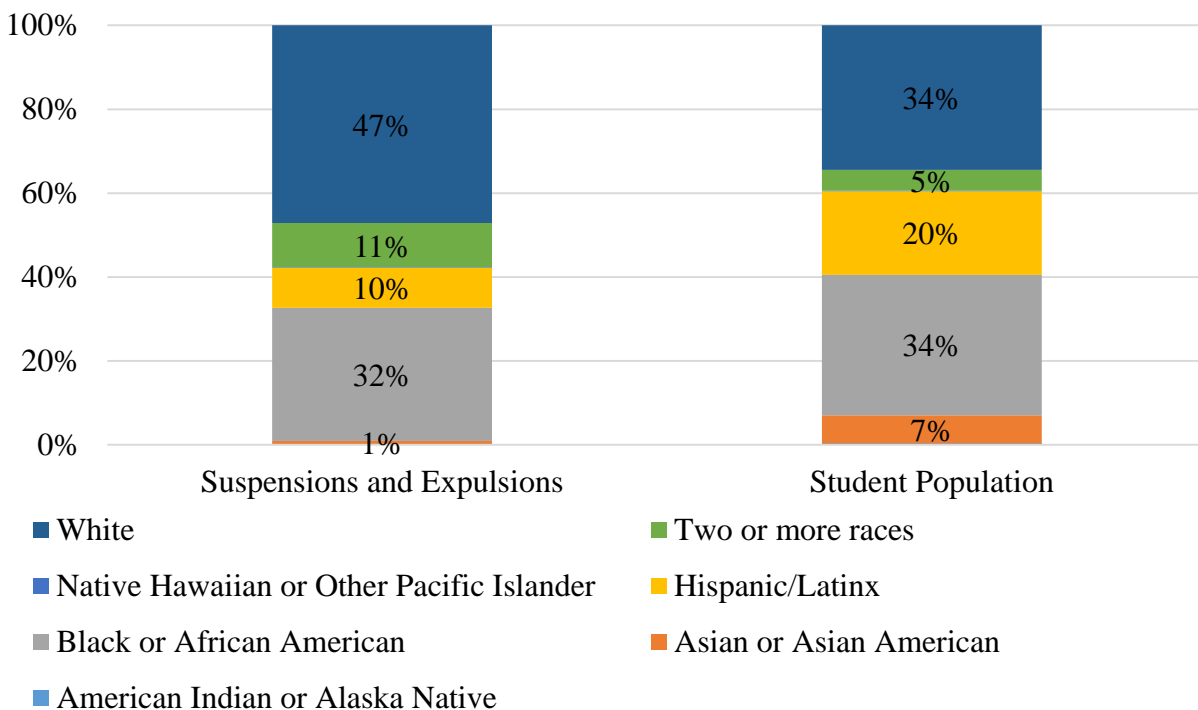
Source: Maryland State Department of Education

School Discipline and Arrests

Notable racial disparities exist statewide for school-related disciplinary actions and arrests. Black students are disciplined more frequently or more severely compared to their White counterparts. Black or African American students are also more likely to be charged and arrested. Thus, African American students are at higher risk for negative disciplinary and judicial outcomes.

Exhibit 3 shows school suspensions and expulsions in Maryland by race compared to the overall racial distribution of the State population. In the 2020-2021 school year, there was a total of 1,571 school suspensions and expulsions in Maryland. Of the students suspended or expelled, 47% identify as White, 32% as Black or African American, 10% as Hispanic or Latinx, 1% as Asian or Asian American, 11% as biracial or multiracial, and less than 1% identify as American Indian or Alaska Native or Pacific Islander.

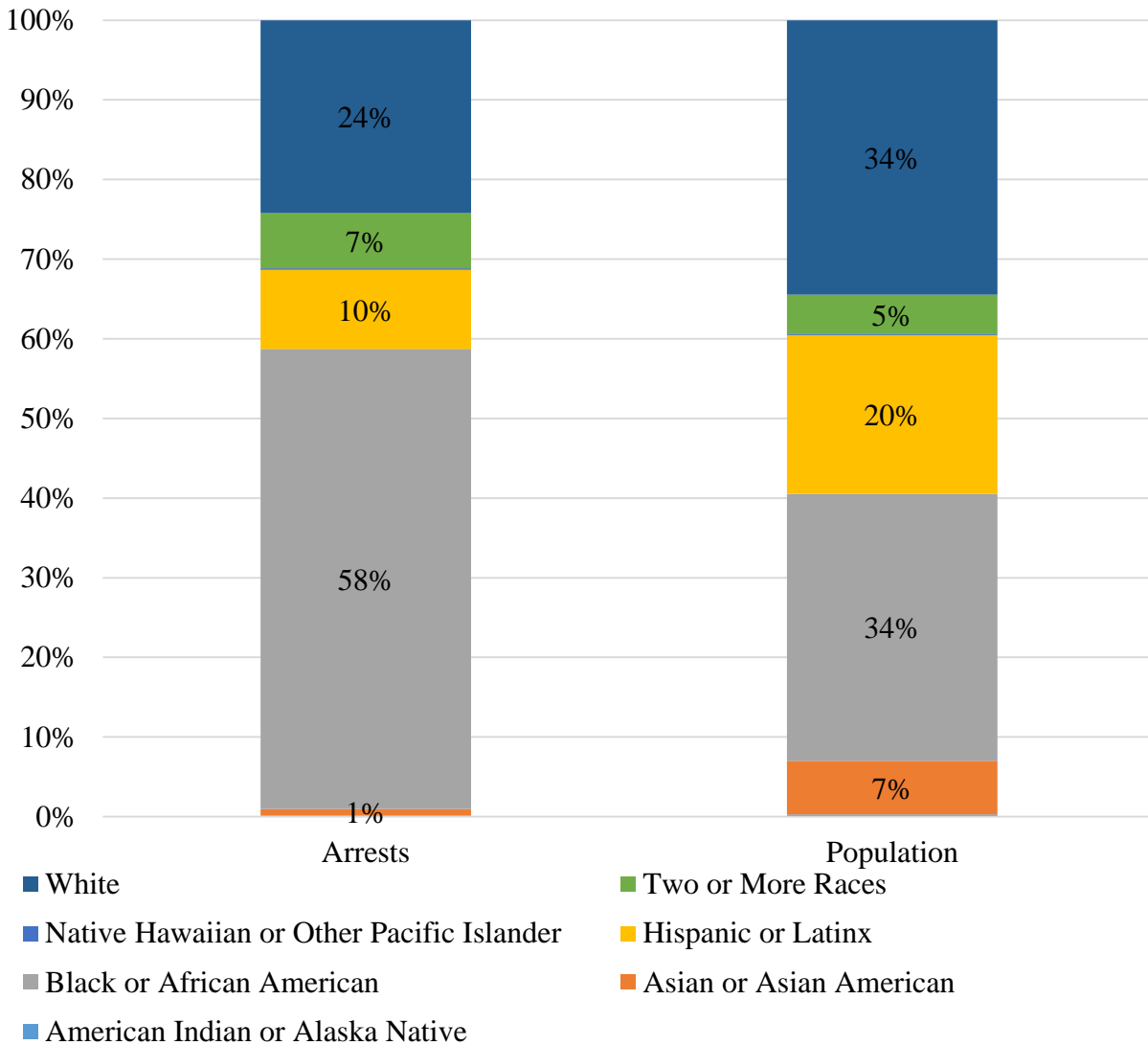
Exhibit 3
Maryland Public School Suspensions and Expulsions vs. K-12 Student Population



Source: Maryland State Department of Education

There were a total of 2,484 public school related arrests during the 2019-2020 school year, the most recent year of available data. As shown in **Exhibit 4**, of these arrestees, 24% identified as White, 58% as Black or African American, 10% as Hispanic or Latinx, 1% as Asian or Asian American, 7% as biracial or multiracial, and less than 1% as American Indian or Alaska Native and Native Hawaiian or Pacific Islander.

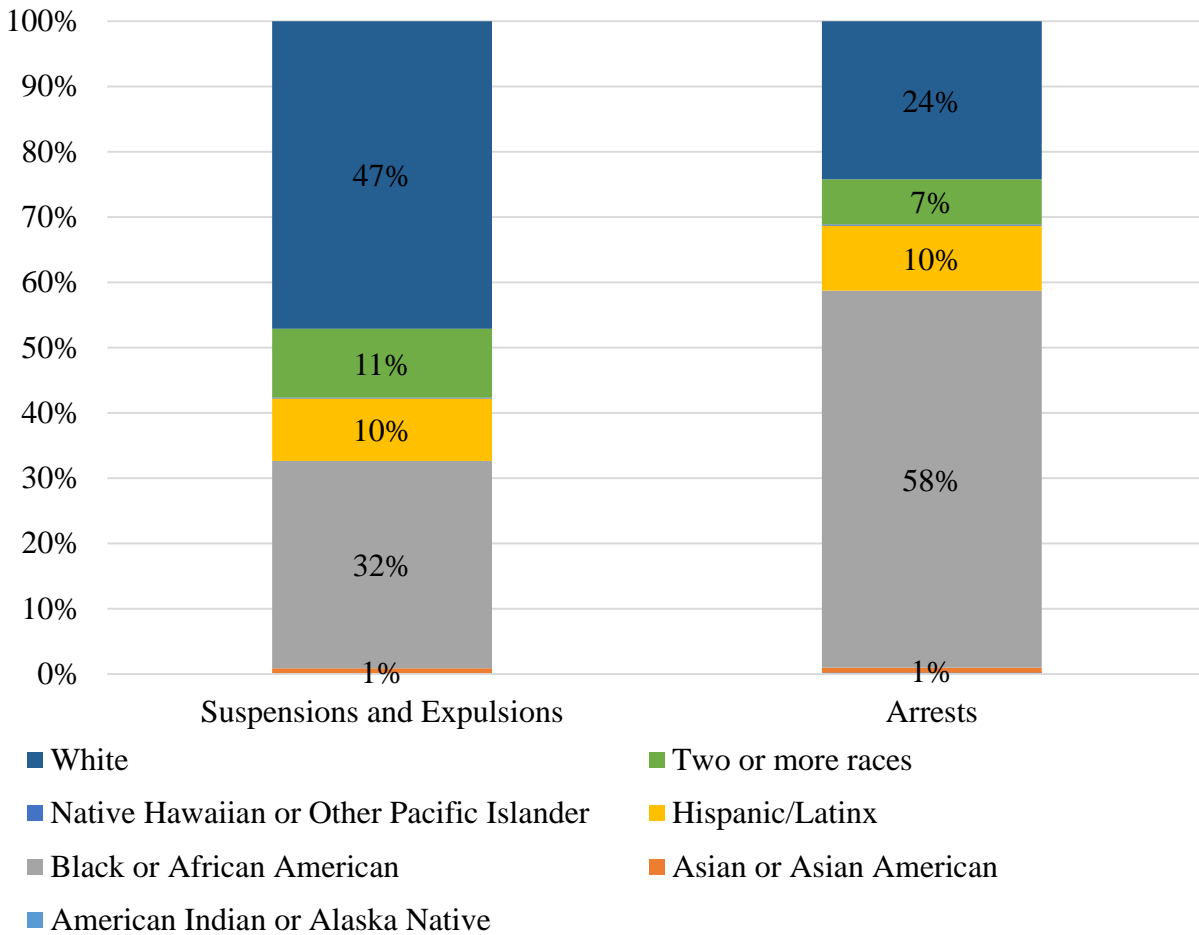
Exhibit 4
Maryland Public School Arrests vs. K-12 Student Population



Source: Maryland State Department of Education; Department of Legislative Services

Exhibit 5 compares the racial distribution of school suspensions and expulsions with the racial distribution of public school arrests in the State. As the exhibit shows, Black, or African American, students in Maryland have a higher percentage of school-related arrests than school suspensions and expulsions. For White students, school suspensions and expulsions outnumber arrests.

Exhibit 5
Maryland Public School Suspensions and Expulsions vs. Arrests



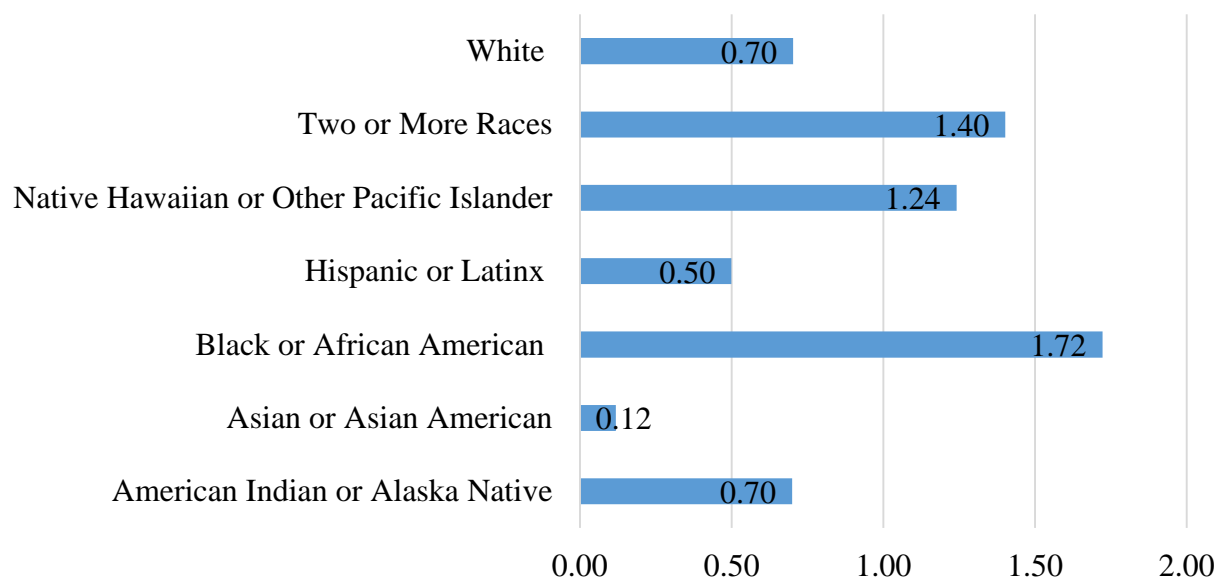
Source: Maryland State Department of Education; Department of Legislative Services

Racial Disproportionality and Disparity in Public School Arrests

Racial Disproportionality

Exhibit 6 shows that the disproportionality ratio for African American students is 1.72. This means African Americans, or students identified as Black, constitute a larger portion of student arrests than their share of the overall State population would indicate. The disproportionality ratio for biracial and multiracial students is 1.40 and the ratio is 1.24 for Native Hawaiians or Other Pacific Islanders. These students are somewhat more likely to be arrested as compared to their overall share of the State population. Whites, Hispanics or Latinx, American Indians or Alaska Natives, and Asians or Asian Americans have disproportionality ratios of less than 1.00, so students in these groups are less likely to be arrested for these offenses than would be expected given their respective proportions of the State’s population.

Exhibit 6
Student Arrests: Disproportionality Ratios

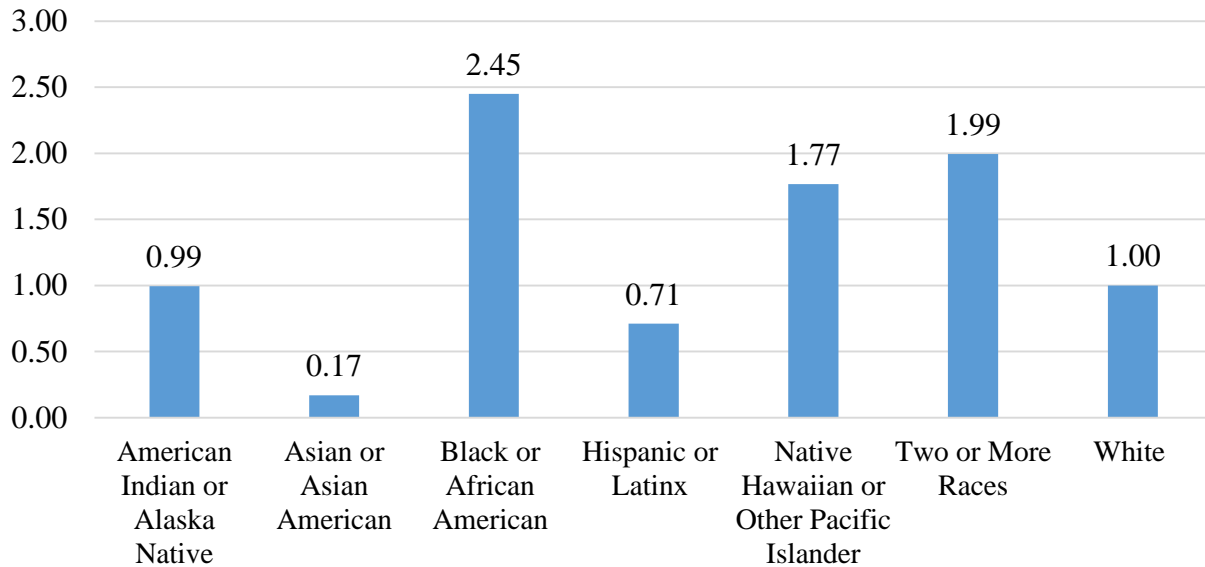


Source: Department of Legislative Services

Racial Disparity

Exhibit 7 shows how racial disparity varies among racial groups with respect to arrests in Maryland’s public schools. African Americans, or students identified as Black, have a racial disparity ratio of 2.45, which means they are more than twice as likely to be arrested in public schools than Whites. With a disparity ratio of 1.99, biracial and multiracial students are twice as likely as Whites to be arrested. Native Hawaiians or Pacific Islanders, with a disparity ratio of 1.77, are nearly twice as likely to be arrested in public schools as Whites. With a disparity ratio of 0.99, American Indians or Alaska Natives are about as likely as Whites to be arrested in public schools. Hispanics or Latinx, and Asian Americans, or people identified as Asian, have disparity ratios of less than 1.00. Thus, students in these groups are substantially less likely to be arrested in public schools than Whites.

Exhibit 7
Student Arrests: Disparity Ratios



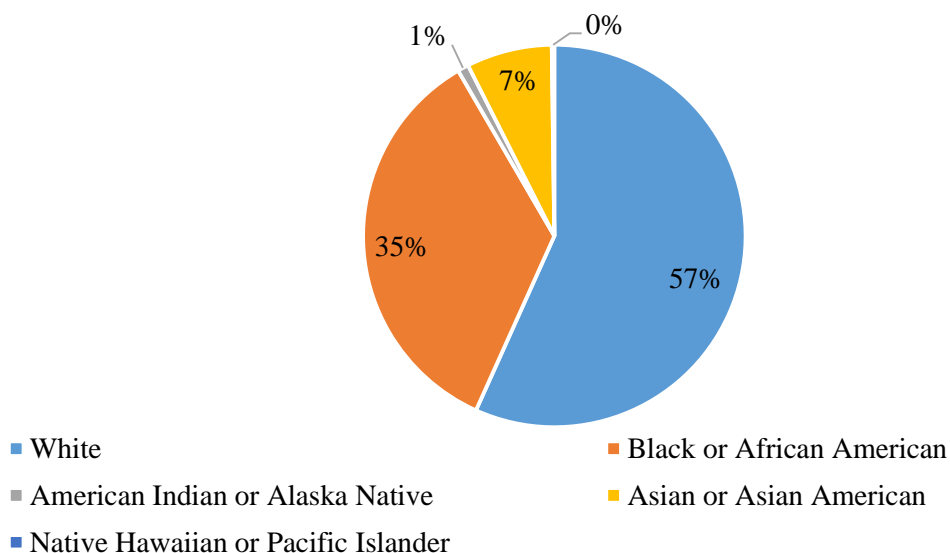
Source: Department of Legislative Services

DSP monitors and reports on arrests for juveniles, or individuals under age 18, by major offense categories. The portion of the analysis below discusses data related to juvenile arrests whether they are school related or occurred outside of school.

Race and Ethnicity of the Maryland Population Under 18 Years of Age

In 2020, Maryland's estimated population for individuals under 18 years of age was approximately 1.3 million. As shown in **Exhibit 8**, 57% of this population identify as White, 35% as Black or African American, 7% as Asian or Asian American, 1% as American Indian or Alaska Native, and less than 1% as Native Hawaiian or Pacific Islander.

Exhibit 8
Maryland Population Under 18 Years of Age



Source: Department of Legislative Services

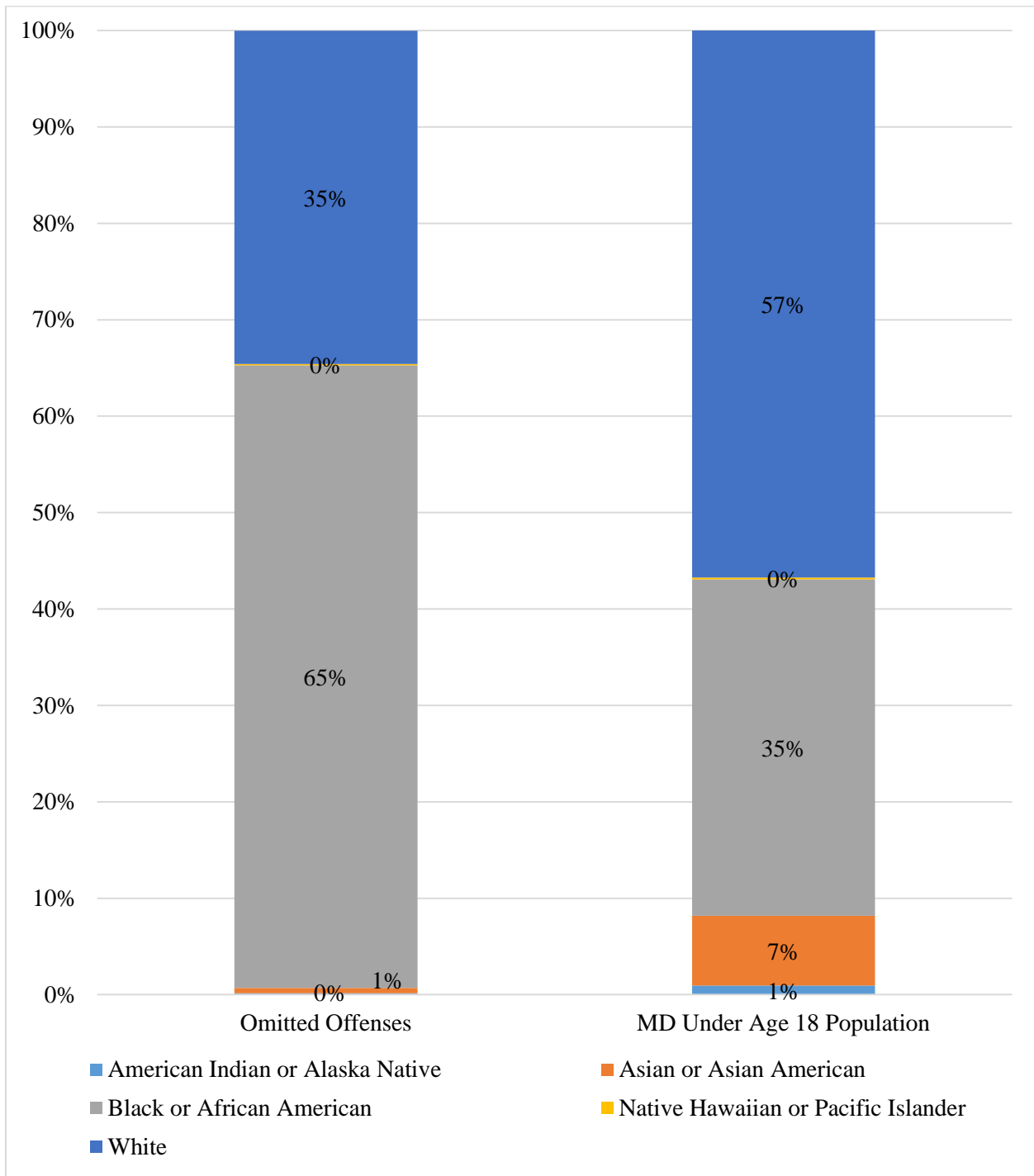
Racial Disproportionality and Disparity in Arrests for Selected Offenses Omitted from Reporting Requirements

Racial Disproportionality

DSP reported a total of 4,243 juvenile arrests (individuals under 18 years of age) in 2020 for the combined offenses of arson, burglary, possession of dangerous weapons, second-degree assault, possession of controlled dangerous substances, destructive devices, general crimes against another person's property, and stealing a motor vehicle. **Exhibit 9** displays the percentage of arrests for the combined offenses by race. Of the total arrestees, 65% were Black or African American, 35% were White, and 1% were Asian or Asian American. American Indians or Alaska Natives and Native Hawaiian or Pacific Islanders together made up less than 1% of the total.

Exhibit 9

Arrests for Selected Offenses Omitted from Reporting Requirements by the Bill

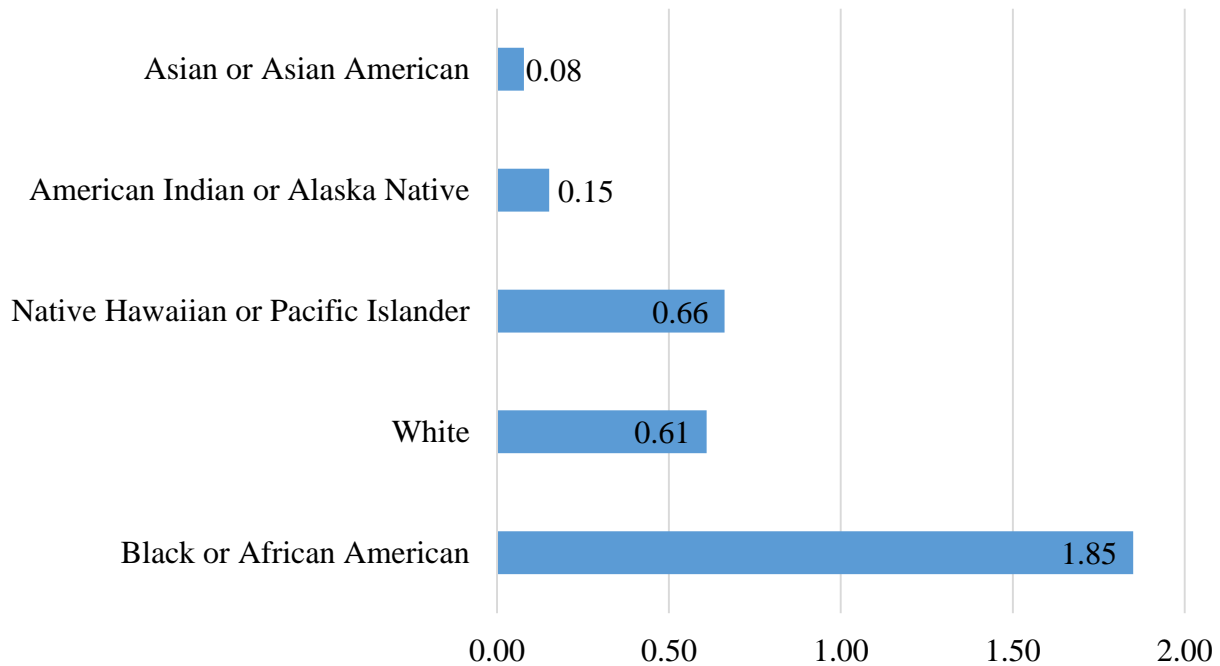


Note: Omitted offenses include possession of dangerous weapons, controlled dangerous substances, or destructive devices; arson; second-degree assault; property crimes; motor vehicle theft; and first-degree burglary.

Source: Department of State Police; Department of Legislative Services

Exhibit 10 shows that the disproportionality ratio for African American juveniles is 1.85. This means African Americans, or juveniles identified as Black, are almost twice as likely to be arrested for the offenses proposed for omission by the bill compared to their share of the overall State population. Whites, Native Hawaiians or Pacific Islanders, American Indians or Alaska Natives, and Asians or Asian Americans all have disproportionality ratios of less than 1.00. Thus, juveniles in these groups are less likely to be arrested for the omitted offenses than would be expected given their respective proportions of the State’s population.

Exhibit 10
Omitted Offenses: Disproportionality Ratios

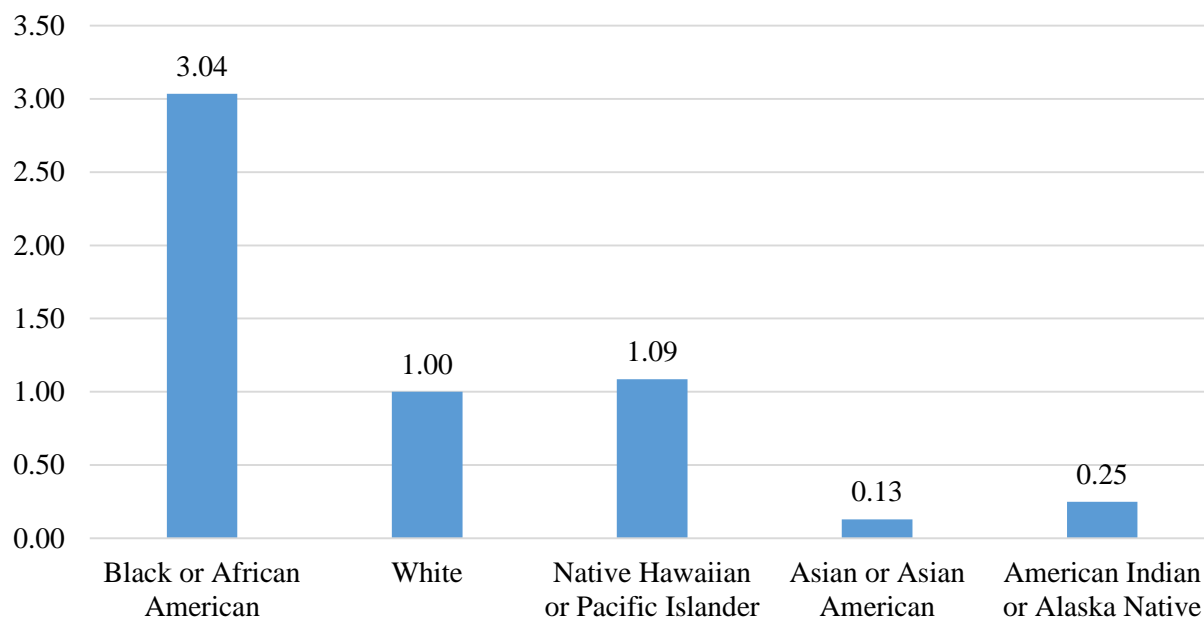


Source: Department of State Police; Department of Legislative Services

Racial Disparity

Exhibit 11 shows how racial disparities vary among the different racial groups with respect to the arrests for the combined omitted offenses in the bill. African Americans, or people identified as Black, have a racial disparity ratio of 3.04, which means they are three times as likely to be arrested for the selected offenses compared to Whites. With a disparity ratio of 1.09, Native Hawaiians or Pacific Islanders are about as likely as Whites to be arrested for these offenses, and both American Indians or Alaska Natives and Asian Americans, or people identified as Asian, have disparity ratios of less than 1.00. Thus, these groups are substantially less likely to be arrested for these offenses as compared to Whites.

Exhibit 11 Omitted Offenses: Disparity Ratios



Source: Department of State Police; Department of Legislative Services

Conclusion

Given the statewide racial demographics for the K-12 population as well as the under age 18 population in the State, there are notable inequities that exist in both school-related disciplinary actions and juvenile arrests generally. Specifically, there are racial disparities in arrests for some of the offenses required to be reported to school officials under existing law.

Aggregate data from Maryland schools and DSP indicate that Black students, and potentially other students of color, are disproportionately and disparately impacted by school-related disciplinary actions and arrests. Thus, the provisions in this bill removing and otherwise limiting the reporting of certain offenses will likely have a positive impact on the racial and ethnic inequities associated with school-related disciplinary actions and juvenile arrests. Specifically, this bill is likely to reduce racial inequities in school discipline associated with certain juvenile arrests.

Methodologies, Assumptions, and Uncertainties

This analysis was written in response to the first reader version of the bill. Subsequent amendments have changed the bill's provisions substantially and those provisions may no longer be applicable to this analysis.

Although some reports use disparity and disproportionality interchangeably, this racial and equity impact note distinguishes them. Disproportionality is the state of being out of proportion. It compares the proportion of one racial or ethnic group of a target population to the proportion of the same racial or ethnic demographic group in the general population. Disparity, however, refers to a state of being unequal. A disparity describes an unequal outcome experienced by one racial or ethnic group of the target population as contrast against a different racial or ethnic group in the target population.

The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level. Moreover, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

Information Sources: U.S. Census Bureau; Department of State Police; Maryland State Department of Education; Department of Legislative Services

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