



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB0068

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

Bill Summary

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.

Racial Equity Impact Statement

The bill prohibits in-person attendance at public schools for juveniles suspected of crimes of violence. Students will be significantly impacted to the extent that they are removed from regular school programming, but are (1) not an imminent public safety threat; (2) never arrested; or (3) subsequently arrested but eventually cleared of any wrongdoing. It is unclear how the bill applies to juveniles whose charges are handled informally after an arrest. A large portion of students would likely be impacted by the bill as data indicates that over half of off-campus school arrests are for some type of violent crime and Black students comprise a significantly large portion of juvenile intakes for crimes of violence. The public safety impacts of the bill may be offset by the disruption created for the students removed from school that are not an imminent public safety threat or subsequently arrested. Determining more specific impacts would require data regarding law enforcement case investigations to show the number of suspects that are not subsequently arrested or charged, the average length of suspect investigations, data on expulsions for the specified offenses due to public safety concerns, and information concerning how the bill applies to the various case outcomes in existing practice by the Department of Juvenile Services (DJS).

Analysis

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. 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. It is unclear whether students whose cases are resolved at intake or informed by DJS would be ineligible for in-school learning under the bill.

Local school boards are required to adopt regulations designed to maintain an atmosphere of order and discipline within schools necessary for effective learning. Existing State law requires that the primary purpose of any disciplinary measure be rehabilitative, restorative, and educational. State regulations limit the circumstances under which a student *arrested* for a reportable offense, which includes most violent crimes, can be removed from regular school programming to cases in which the student presents an imminent threat of serious harm to other students or staff. The bill would require that a student be removed from regular school programming prior to an arrest and without a determination as to whether the student is an imminent threat.

Alternative Education for Students Prohibited from In-person School Attendance

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.

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.

Suspension and Expulsion in General

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days. The principal must provide the suspended student and the student’s parents with a conference during the suspension period and a list of community resources. Upon request by a principal, a local superintendent may suspend a student for more than 10 days or expel a student, subject to investigation, conferencing, and appeal procedures in statute. A student may not be suspended or expelled only for attendance-related offenses but may be subject to in-school suspension for those offenses.

A student who has been suspended or expelled may not return to the classroom until the principal confers with (1) the teacher(s) who referred the student (if appropriate); (2) other appropriate

school personnel; (3) the student; and (4) the student’s parent or guardian. If disruptive behavior results in action less than suspension, the principal or designee must confer with the teacher who referred the student prior to the student returning to the teacher’s classroom.

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.

Reportable Offenses

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.

Impacts of the Bill

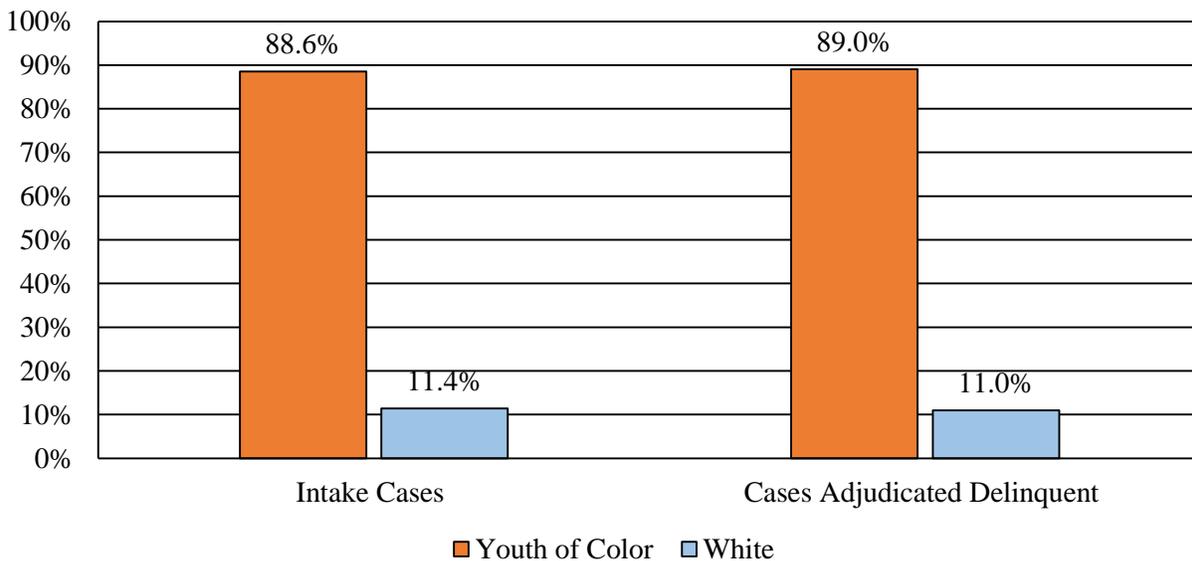
No data is available regarding juveniles suspected of crimes. However, data on juvenile intakes, arrests, and adjudications for crimes of violence indicates that nonwhite juveniles will be the largest group of students affected by the bill’s requirement to exclude students from in-person schooling.

DJS Intakes for Crimes of Violence

As shown in **Exhibit 1**, in fiscal 2024, DJS reported a total of 2,482 intakes for charges relating to crimes of violence, with youth of color accounting for almost 89% of this total and 89% of the subsequent 604 adjudications of delinquency by the juvenile court. The remaining 1,878 intakes

for crimes of violence were either resolved at intake or informed, but there is no data readily available to determine the racial and ethnic breakdowns for each specific outcome.

Exhibit 1
DJS Intakes and Adjudications for Crimes of Violence
Fiscal 2024



DJS: Department of Juvenile Services

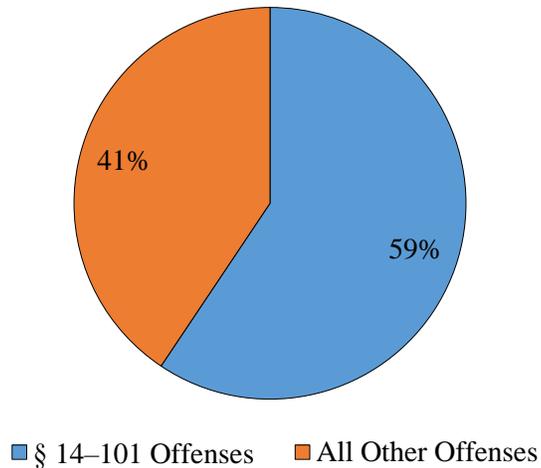
Source: Department of Juvenile Services

DJS does not currently distinguish between racial minorities in its offense reporting, so the data includes all racial and ethnic minorities in the youth of color category. Black juveniles do, however, make up a significant portion of the youth of color category as DJS does partially break down the category for total intakes. DJS data from fiscal 2022 through 2024 shows that Black juveniles made up 85% of total youth of color intakes during that time period.

Crime of Violence Incidents Off School Property

Data from MSDE provides some insight into what portion of student arrest reports is for crimes of violence. **Exhibit 2** shows the breakdown for reportable offense incidents during the 2022-2023 school year grouped by crimes of violence as defined under existing law versus all other offenses. This data does not include arrests on school property. The data shows that 986 singular reportable offense incidents involved a total of 1,231 offenses. Of the total offenses, 725, or 59%, were for crimes that fall under the crimes of violence definition stipulated in § 14-101 of the Criminal Law Article. Black students account for 65% of all reportable offense incidents during this time period. There is no data available to determine the racial breakdown specifically for crimes of violence incidents.

Exhibit 2
Reportable Offenses Under the Bill
2022-2023 School Year



Conclusion

DJS data shows that youth of color, especially Black youth, are overrepresented in intakes, charges, and adjudications for crimes of violence. Under the bill, these students will be removed from in-person educational programming as soon as they become a suspect in a violent crime until a law enforcement agency no longer identifies them as such. The impact will likely be significant because existing law and practice limits removal of students arrested for violent offenses to those students that pose an imminent safety threat, and the bill does not include any process for judicial or administrative review. While juveniles named as a suspect for a crime of violence but later cleared after an investigation would be temporarily removed from in-person learning, juveniles that are subsequently arrested would be removed from in-person learning for some period of time, regardless of whether they pose a public safety threat.

The magnitude of the bill's impact is also likely to be significant given MSDE data suggesting that violent crime incidents comprise the majority of reportable offenses. Accordingly, a significant number of students could be removed temporarily, or indefinitely, from regular school programming annually. A portion would return upon completion of a law enforcement investigation that yields no arrest, a portion would be adjudicated the equivalent of not guilty by the juvenile court and return to school at the end of that process, and others would be found delinquent of the charged offense and it is assumed would be prohibited from in-person learning permanently. In addition to these possible outcomes, there remains a large group of juvenile suspects that are arrested but have their cases informaled or resolved at intake. These juveniles do not receive a determination of guilt or innocence from the juvenile court, and are instead guided

to informal rehabilitation programs or other informal solutions after which the juvenile court's jurisdiction eventually terminates provided they are not charged with any future offenses. Regardless of the final outcome, each of these students would face some length of time removed from in-person schooling. Understanding the overall equity impacts of this would, in part, require data on the number of juveniles in each category and how long they are removed from in-person learning.

Removing juveniles that are suspects in violent crimes who may pose an imminent danger to students and staff is crucial to public safety, and an important component of equity, especially in circumstances where school staff and officials are not aware of a student's potentially dangerous behavioral issues. Thus, the overall equity impacts of this bill encompass weighing the public safety impacts on the student population and staff as well as any disruption caused by removal and return of students to in-person learning.

Determining the overall equity impacts would require additional data to understand the interplay between these considerations including data on (1) how the bill will be implemented against the various categories of outcomes mentioned above; (2) the nature of law enforcement investigations for these offenses, particularly how long they take to conduct and the rate at which suspects are later arrested; (3) the exoneration rate for juveniles arrested; (4) how the bill's provisions apply to cases informaled and cases resolved at intake; and (5) the portion of juvenile violent crime suspects that poses a public safety threat.

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

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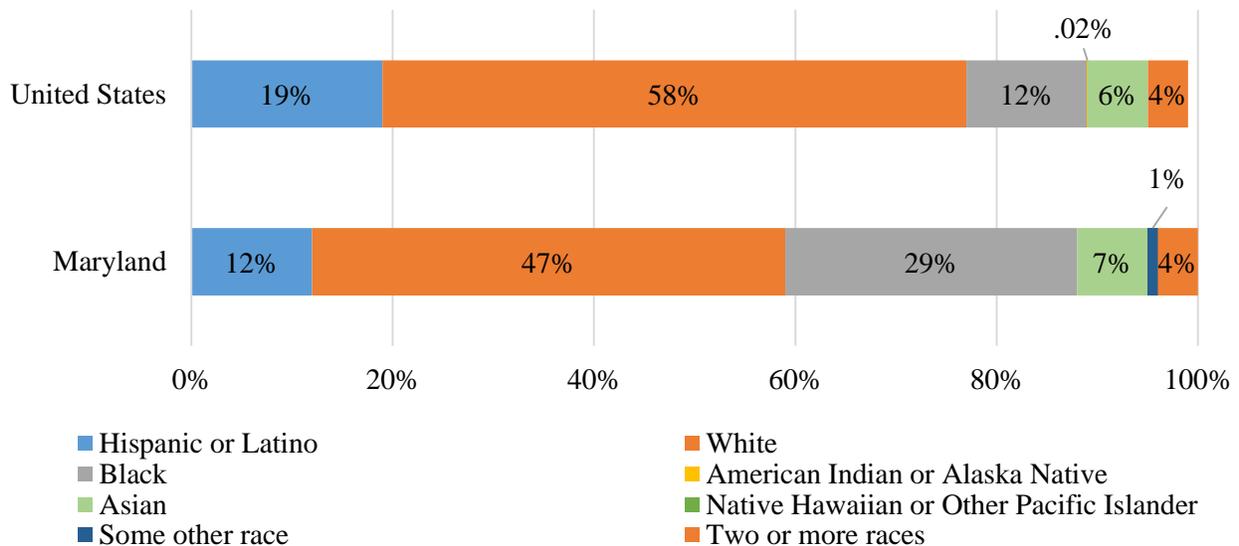
Appendix – Maryland Demographics

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.