



# RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session  
HB0137

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## **Public Schools - Children Charged With a Crime of Violence - Prohibition on In-Person Attendance (School Safety Act of 2025)**

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### **Bill Summary**

This bill prohibits a child who has been charged with a crime of violence – as defined in current law – from in-person attendance at a public school until the child is found not delinquent or the charge is dismissed. 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.

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### **Racial Equity Impact Statement**

The bill prohibits in-person attendance at public schools for juveniles charged with crimes of violence until they are cleared of any wrongdoing. This will likely have the most impact on youth of color and Black juveniles in particular. Data from the Department of Juvenile Services (DJS) and the circuit court show significant disparities in charges, arrests, and adjudications for crimes of violence. The bill would negatively impact affected students to the extent that they are removed from regular school programming under the bill, but who otherwise would have been determined not to be an imminent public safety threat by school officials. There is also a large portion of juveniles who are arrested and charged with crimes of violence but have their cases either handled informally via pre-court supervision agreements (informaled) or resolved at intake. Some or all of these juveniles may also be prohibited from in-person school attendance indefinitely, or possibly permanently, under the bill. Determining more specific impacts would require data regarding case dismissals, demographic data on expulsions for the specified offenses, and information concerning how the bill applies to the various charges and case outcomes in existing practice by DJS and the circuit court.

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## Analysis

This bill prohibits a child who has been charged with a crime of violence from in-person attendance at a public school until the child is found not delinquent or the charge is dismissed. 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 presumed that students whose cases are resolved at intake or informed by DJS, in addition to those adjudicated delinquent by the Juvenile Court, would be ineligible for in-school learning indefinitely under the bill. It is unclear whether the bill requires a charge to be dismissed by the intake officer or the juvenile court (or either) for the student to be eligible for return to in-person learning.

### *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.

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## *Addressing Disproportionate and Discrepant Impacts of School Discipline*

State regulations require MSDE to develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students. MSDE may use the discrepancy model to assess the impact of discipline on special education students. The discrepancy model uses a risk ratio of 3.0 as the threshold for determining whether disproportionality exists; a risk ratio of 3.0 means that a target population (*e.g.*, Black males) is three times more likely than a control population (*e.g.*, all other males) to be identified for special education services or disciplined in some manner. A risk ratio greater than 1.0 indicates overrepresentation. If MSDE identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system must prepare and present to the State board a plan to reduce the impact within one year and eliminate it within three years. A local school system must report its progress annually to the State board.

### *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.

### *Impacts of 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.

Youth of color and specifically Black juveniles are overrepresented in arrests, charges, and convictions/adjudications for crimes of violence. Data on youths charged as adults and juvenile court adjudications for crimes of violence indicates that Black juveniles will be the largest group of students affected by the bill's requirement to exclude students from in-person schooling.

In fiscal 2023, the Governor's Office of Crime Prevention and Policy reported a total of 737 youth were charged as adults for crimes of violence (*i.e.*, exclusionary offenses), with 80% of those charged being Black juveniles. Adjudications in the juvenile court follow a similar pattern. In fiscal 2024, DJS reported a total of 2,482 intakes for charges relating to crimes of violence, with 604 adjudications of delinquency. Youth of color comprised 89% of these adjudications. The remaining 1,878 intakes for crimes of violence were either resolved at intake or informaled, but

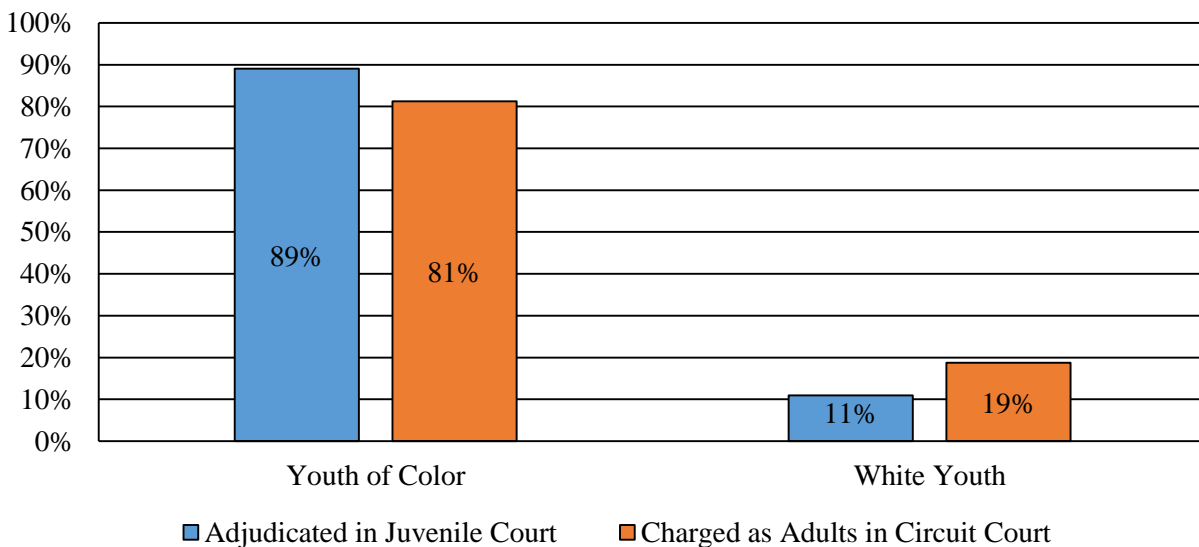
there is no data readily available to determine the racial and ethnic breakdowns for each specific outcome.

DJS does not currently distinguish between racial minorities in its offense reporting, so the data includes all racial and ethnic minorities into 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 show that Black juveniles made up 85% of total youth of color intakes during that time period.

**Exhibit 1** compares the racial distribution for youth charged as adults in the circuit court with crimes of violence compared to juvenile adjudications for these offenses during fiscal 2024. The circuit court and juvenile court processes share similar racial distributions for youth charged with crimes of violence and both show significant racial disparities. In the circuit court, 81% of youth charged as an adult for crimes of violence are youth of color compared to 89% of youth of color adjudicated as a juvenile. White youth encompass 19% of cases charged for these crimes as an adult in circuit court and 11% of adjudicated juvenile court cases.

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**Exhibit 1**  
**Youth Adjudicated in Juvenile Court vs. Charged in Circuit Court**  
**for Crimes of Violence**  
**Fiscal 2024**



Source: Department of Juvenile Services; Governor’s Office of Crime Prevention and Policy; Department of Legislative Services

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## Conclusion

Youth of color, especially Black youth, are overrepresented in charges and adjudications for crime of violence charges with similar trends in both the juvenile court and circuit court. Under the bill, these students will be removed from in-person educational programming permanently. This includes youth that the juvenile court has placed on probation in addition to those committed to DJS custody. 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. It is not clear under the bill whether juveniles with cases referred to DJS that are handled informally or that are resolved at intake would be permanently or temporarily prohibited from in-school learning. Approximately 75% of DJS complaints for crimes of violence were either informaled or resolved at intake. This represents a significant number of juveniles who would likely be prohibited from in-person learning for at least some period of time, but it is not clear whether these students would be eligible under the bill to return to in-person learning after completing the pre-court supervision period or if the case has been resolved. A more detailed analysis of the specific impacts would require offense specific aggregate and demographic data regarding the specific charge outcomes including dismissals by DJS officers, informaled case outcomes, expulsion data, and those cases resolved at intake.

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**Information Sources:** Maryland State Department of Education; Governor's Office of Crime Prevention and Policy; Department of Juvenile Services; Department of Legislative Services

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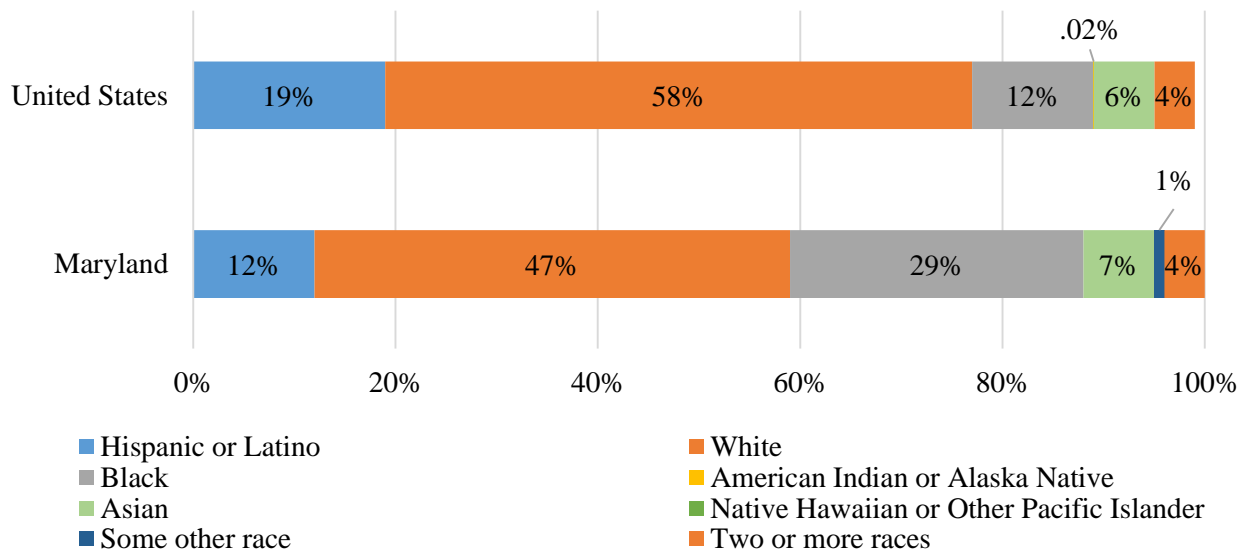
## Appendix – Maryland Demographics

### *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.