



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
SB0386

Primary and Secondary Education - Definition and Notification of Reportable Offense - Alterations

Bill Summary

This bill expands the definition of “reportable offense” to include an offense that occurs on the premises of a public school or at an event sponsored by a public school. It also requires the Department of Juvenile Services (DJS) to promptly notify the local superintendent and the school principal of a decision made during an inquiry by an intake officer into the jurisdiction of a circuit court acting as the juvenile court, in specified circumstances.

Racial Equity Impact Statement

It is unclear whether the bill’s expanded definition of reportable offenses that includes on-campus and off-campus school sponsored events will materially affect the number of arrests reported to school officials since school officials are likely involved in the initiation of arrests that occur on school grounds or at school sponsored events. Due to reforms enacted in 2022, school officials must follow existing disciplinary rules for both on-campus and off-campus arrests, thus any increase in reporting of these offenses is unlikely to result in disproportionate disciplinary actions. The bill’s requirement for DJS to report on the dispositions of reportable offense arrests that result in no action or that are adjusted informally could positively impact affected students that have been removed from in-person learning or otherwise disciplined by ensuring their prompt return to regular school programming.

Analysis

The bill would require law enforcement to report arrests of students for specified reportable offenses regardless of where they occurred and require DJS to promptly notify the local

superintendent and school principal of any juvenile intake decision that results in an informal adjustment or no formal complaint for a reportable offense.

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.

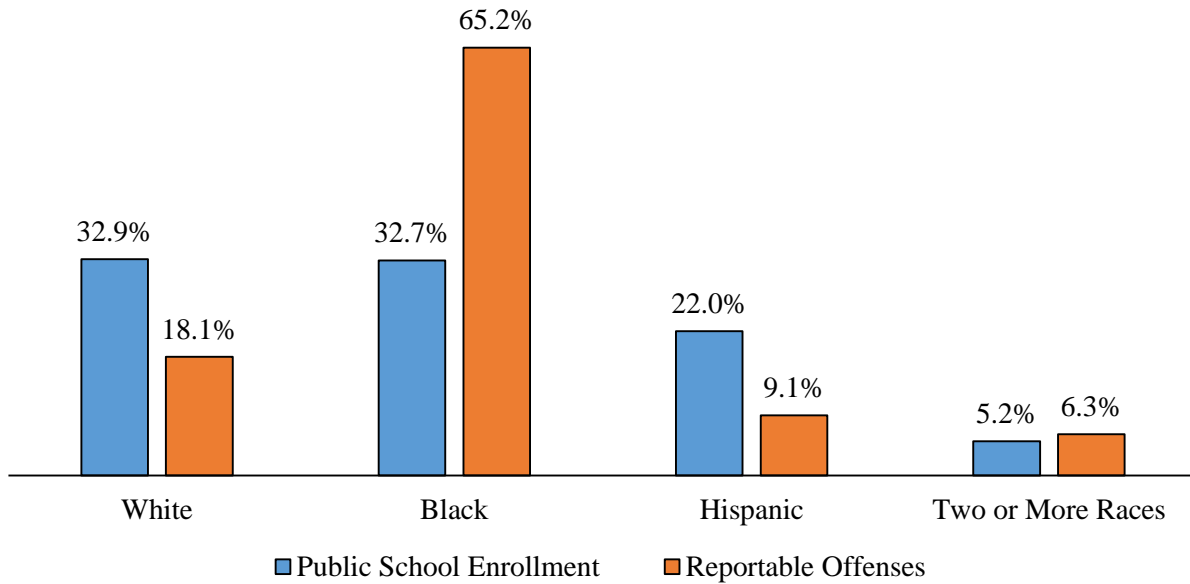
In 2022, the General Assembly expressed concern about the purported misuse or overuse of school removals for students arrested for a reportable offense. Chapter 742 of 2022 clarifies that a "reportable offense" as it relates to students in public or nonpublic schools is an offense that occurred off school 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.

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.

The Maryland State Department of Education (MSDE) reported 986 reportable offense incidents during the 2022-2023 school year. Of these incidents, 65% involved Black students, 18% were white, 9% were Hispanic, and 6% involved students of two or more races. Asian, American Indian or Alaskan Natives, and Native Hawaiian/Pacific Islanders account for less than 2% of the total. **Exhibit 1** shows the racial and ethnic breakdowns for reportable offenses compared to each group's share of the State's public school population during the same time period.

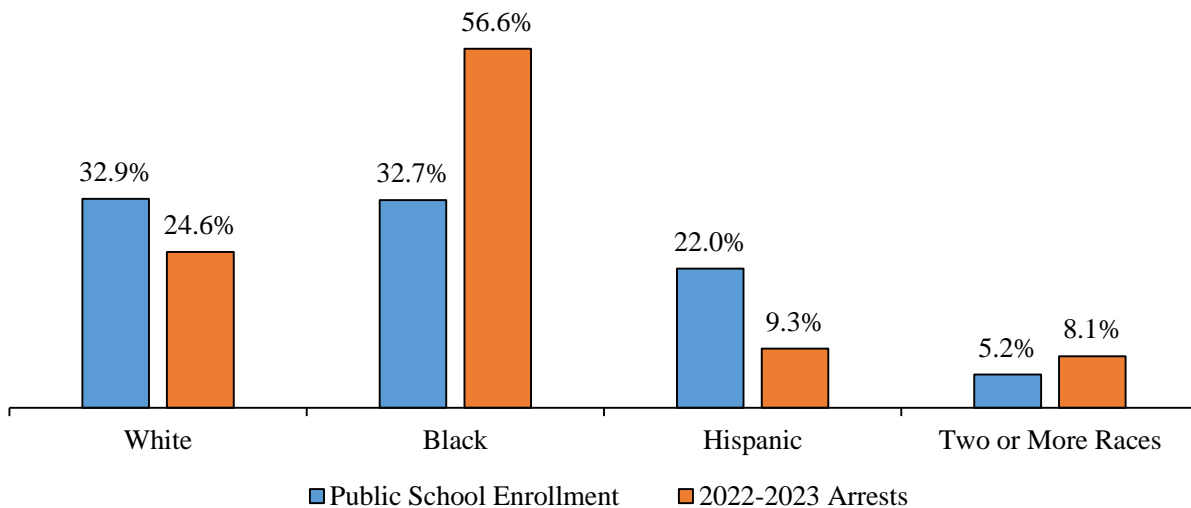
Exhibit 1
Reportable Offenses and Public School Enrollment
by Race and Ethnicity
2022-2023 School Year



Source: Maryland Department of Education

MSDE also tracks arrests that occurred as a result of a referral of a student by school personnel to law enforcement or to DJS for a disciplinary offense that occurred on school grounds or during off-campus activities, including transportation to and from school. **Exhibit 2** shows the racial and ethnic breakdown of on-campus school arrests during the 2022-2023 school year compared to enrollment data. Offense categories include sex offenses, weapons violations, threats, serious bodily injury, fighting, and alcohol and drug violations. The data shows 57% of arrestees were Black students, 25% were white, 9% were Hispanic, and 8% were students of two or more races. Asian, American Indian or Alaskan Natives, and Native Hawaiian/Pacific Islanders account for less than 2% of the total.

Exhibit 2
School Arrests and Public School Enrollment
by Race and Ethnicity
2022-2023 School Year



Conclusion

Data from MSDE confirms significant disparities among racial groups arrested for reportable offenses as defined under existing law. It is unclear whether the bill’s expansion of the definition of reportable offenses would result in any increased disciplinary actions for affected students because schools must follow the same disciplinary procedures as it does with other students – something that may not have been the case before 2022. It is also unclear whether the expanded definition would capture formerly unreported arrests that school officials are unaware of under the existing process for reporting and handling arrests of students both on and off campus. The bill’s notification requirement for DJS to notify school officials of certain post-arrest outcomes for reportable offense arrests would benefit the affected students by allowing a faster return to regular school programming in those cases where an arrested student is not referred to formal proceedings. Black students, in particular, may be impacted to the greatest extent as they make up a substantially large portion of reportable offense arrests as well as arrests on campus. The specific impacts, however, cannot be determined without more longitudinal data on arrest outcomes.

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

Analysis by: Dr. Mikaela Zimmerman

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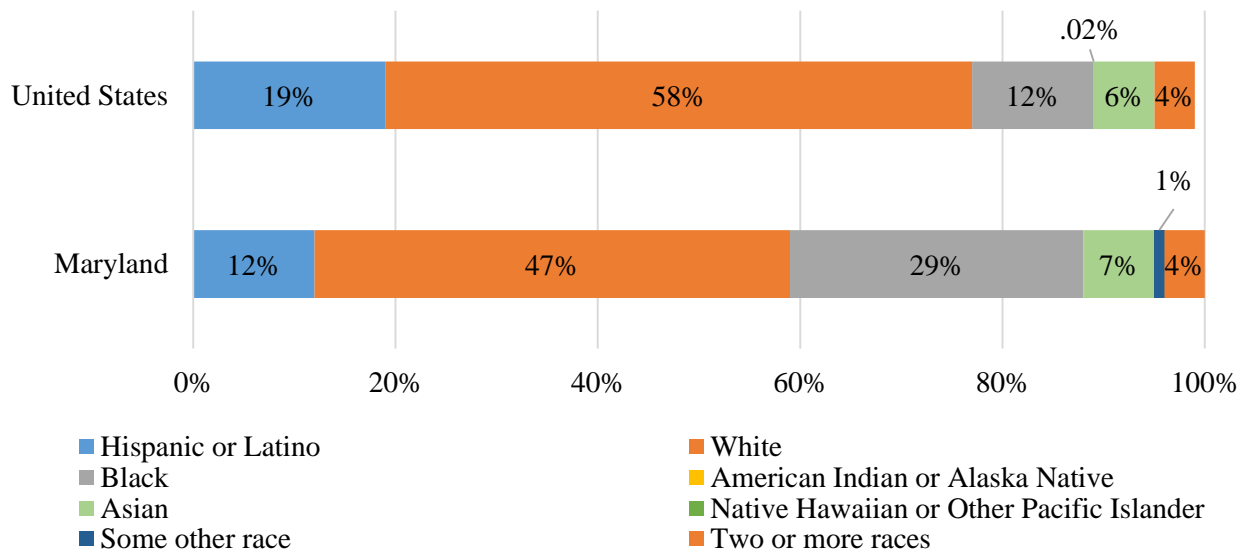
Appendix – Maryland Demographics

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.