

**BILL:** House Bill 1546  
**TITLE:** Education - Reportable Offenses - Alterations  
**DATE:** February 27, 2020  
**POSITION:** OPPOSE  
**COMMITTEE:** Judiciary Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 1546 because it would eliminate most mandatory notifications to school systems of student criminal behavior, including arrests, and at the same time impose new requirements and appeals procedures for school systems in the cases in which a State's Attorney opts to provide such notification.

The reportable offense statute is intended to ensure that law enforcement agencies and State's Attorney's offices communicate with school systems regarding the arrest of students for certain crimes and the disposition of such charges. Reportable offenses include an extensive list of crimes of violence, sexual offenses, and weapon and drug offenses. MABE certainly appreciates the interests of all parties involved in carrying out their responsibilities under the reportable offense statute to communicate and provide programmatic response in the best interests of the student committing the offense and all other students. MABE recognizes that House Bill 1546 is intended to improve the statute through reforms as to how and when communication occurs and to ensure educationally appropriate responses.

MABE opposes this bill because it would radically alter the reportable offense statute by repealing the mandatory notice by local law enforcement agencies to local school systems, and in such a manner as to convert the current system into a process focused more on notification to schools of the final disposition of criminal cases. Specifically, the bill would allow, but not require, a State's Attorney to notify a school system of cases in which a student's arrest has resulted in the filing of a petition in criminal or juvenile court.

MABE would note that some provisions of current law referring to notification of arrests for sexual offenses are retained, but that the bill clearly provides that the only time notification is mandatory is after charges have been filed or upon incarceration or placement in care of the Department of Juvenile Services. Preserving prompt and mandatory communication in these types of cases is of the highest priority for local school systems. MABE requests the consideration of the need for mandatory notifications of arrests in not only these, but other cases.

The bill would also establish new standards of care for school systems in responding to cases in which notice is provided. Many of the provisions of this section of the bill appear to be reasonably related to ensuring that students receive a robust team response to their needs, which is a core value of the reportable offense statute. However, MABE would note that the 10 day timeline for a local board of education's decision on an appeal from the superintendent's decision is not reasonable or feasible given the monthly or twice-monthly number of board meetings typically held.

Again, MABE opposes House Bill 1546 because it would:

- Remove the mandatory notice to the school system of any arrest;
- Remove the mandatory role for the State's Attorney to notify the school system of the disposition of a case; and
- Only require mandatory notification of the disposition of cases by corrections or juvenile services officials.

For these reasons, MABE requests an unfavorable report on House Bill 1546.