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# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

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## **HB1546: EDUCATION – REPORTABLE OFFENSES - ALTERATIONS** **FEBRUARY 27, 2020, 1:00PM** **POSITION: SUPPORT**

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland’s public school systems. We are committed to making discipline responsive to students’ behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **CRSD strongly supports House Bill 1546**, which establishes a uniform process by which schools must respond to a report that a student has been arrested in the community. HB 1546 also reduces the number of reportable offenses from the current list of over 50 offenses, better aligns the agencies responsible for communicating with schools based on their involvement in a case, and requires annual reporting to the General Assembly.

Under current law, school districts routinely and unilaterally remove students for indefinite periods of time when students are arrested off school grounds for conduct unrelated to school. Maryland’s children are entitled to a free and adequate education. Federal law requires a free and appropriate public education that shall be provided in the least restrictive environment possible for children with disabilities. While Maryland has numerous statutes and regulations requiring important due process protections for children regarding disciplinary procedures for in-school conduct, our laws are silent surrounding the due process protections for children subject to a reportable offense, an arrest for alleged out-of-school conduct. These alleged reportable offenses may have no nexus to the child’s educational needs. HB 1546 provides clarity and process surrounding reportable offenses to ensure that no child is deprived of his or her educational rights while balancing the safety needs of the larger school community.

In December 2013, the Maryland State Department of Education, Division of Student, Family and School Support released the *Model Policy on School Use of Reportable Offenses (Model Policy)*. The process outlined in HB 1546 is consistent with the recommendations and procedures detailed in the *Model Policy*. Only 3 out of 24 jurisdictions in Maryland have policies consistent with the *Model Policy* and 10 out of 24 jurisdictions have no policy at all regarding how to handle a reportable offense. This inconsistency and lack of process results in the unjust and unnecessary removal of students from their school without any due process or determination of threat to the school community. HB 1546 also details parent involvement and appeal procedures, critical aspects to a fair and just process.

Since practices and policies vary so greatly in each jurisdiction, and some jurisdictions have no policy at all, it is imperative that we require school systems to report on how they respond to a reportable offense. There is currently no data that is required to be collected on the treatment of children arrested for a reportable offense, and it is this information that enables us to hold schools and school systems accountable. The best way to ensure that students are treated fairly and justly and in accordance with federal and state law and regulations is to require schools to report on their use and handling of reportable offenses.

HB 1546 also makes other important and necessary clarifications to the existing law. The bill defines a reportable offense as an offense that occurs outside of school and school related activities, consistent with the *Model Policy*. It requires that a mere arrest not trigger an alleged offense be reported to a school, but only those cases that are in fact petitioned by a State's Attorney. With approximately 60% of all cases resolved by the Department of Juvenile Services without any petition filed either due to the case requiring no further action or a child successfully completing services through an informal adjustment, only petitioned cases should be reported to a school. Finally, under current law, there is no time limit for the sharing of reportable offense information if a child moves between school districts. HB 1546 permits the sharing of reportable offense information while a child remains under criminal or juvenile supervision but prohibits the ongoing communication of that information when supervision has ended. This ensures that the charges do not continue to adversely impact the student's education indefinitely, long after they have been resolved to the satisfaction of juvenile justice and criminal justice authorities.

**For all of the above reasons, we urge a favorable report on HB 1546.**

For more information contact:  
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**CRSD Members**

ACLU Maryland  
Advocates for Children and Youth  
The Arc Maryland  
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The Choice Program at UMBC  
Disability Rights Maryland  
Family League of Baltimore  
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NARAL Pro-Choice Maryland  
Office of the Public Defender  
Positive Schools Center  
Project HEAL at Kennedy Krieger Institute  
Public Justice Center  
Rashad Hawkins  
Restorative Response Baltimore  
Sayra and Neil Meyergoff Center for Families, Children and the Courts  
Teachers' Democracy Project  
Youth, Education and Justice Clinic at University of Maryland Francis King Carey School of Law

<b>County</b>	<b>Track Data on Reportable Offenses?</b>	<b>Have Policy on Reportable Offenses?</b>	<b>Policy Complies with MSDE Model?</b>
Alleghany	Yes	No	No
Anne Arundel	Yes	Yes	No
Baltimore City	No	No	No
Baltimore County	No	Yes	No
Calvert	Yes	Yes	No
Caroline	No	No	No
Carroll	No	Yes	No
Cecil	No (no response)	Yes	No
Charles	No	Yes	No
Dorchester	No (no response)	No	No
<b>Frederick</b>	<b>Yes</b>	<b>Yes</b>	<b>Mostly</b>
Garrett	Yes	Yes	No
Harford	No	No	No
Howard	Yes	Yes	No
Kent	Yes	No	No
Montgomery	No	No	No
Prince George's	No	No	No
Queen Anne's	No	No	No
Saint Mary's	No	Yes	No
Somerset	No (no response)	Yes	No
Talbot	No	Yes	Yes
Washington	# of reportable offense notifications only	Yes	No
Wicomico	No	Yes	Mostly
Worcester	No (no response)	No	No