

BILL: House Bill 146
TITLE: Education - Reportable Offenses and Student Discipline - Children With Disabilities and Reporting
DATE: March 29, 2022
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Education, Health, and Environmental Affairs
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The Maryland Association of Boards of Education (MABE) opposed House Bill 146 as introduced because it would have eliminated most mandatory notifications to school systems of student criminal behavior, including all arrests, and also impose new requirements for school systems in the cases in which a State's Attorney opts to provide notification only after the student's conviction. MABE greatly appreciates that the House Ways and Means Committee amended the bill to address MABE's primary issues. However, additional amendments are requested to align the bill with other legal requirements and clarify other issues.

For example, MABE continues to oppose the bill's proposal to create an absolute right of a student removed from school for a reportable offense to return to their original school. This provision conflicts with new law enacted in 2021 regarding students who are registered sex offenders and does not allow for any discretion to make school placements in the best interests of student safety.

The bill also continues to include substantial reporting requirements, which MABE appreciates as consistent with the intent ensure that educational programs and services are provided to all students. However, the reporting requirement for school systems and schools, on page 6 in lines 21-23, should be amended to include law enforcement agencies and the department of juvenile services to report on the student outcomes outlined in the bill.

Of particular concern are the amendments to section 7-305 of the Education Article which governs student discipline, including extensive amendments under 7-305(g) which governs the discipline of students with disabilities. It is not clear whether all of these amendments are intended to apply only to students with disabilities. It is also unclear whether these amendments refer to all reportable offenses or those reported based on off-campus behavior. MABE requests clarification of these issues through further amendments.

The reportable offense statute is intended to ensure that law enforcement agencies and State's Attorney's offices communicate with school systems at the time of arrest of students for specified crimes and then following 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 offence. But another key facet of the law is to ensure that the school system is informed and can respond accordingly to ensure the safety of all other students and staff following the arrest and before adjudication.

Local boards also support additional resources and the continuous improvement of the quality and scale of programs for students experiencing arrest, and their schools and communities. MABE looks forward to provisions of the Blueprint for Maryland's Future that contribute to improving student services, and to improvements and expansions in diversionary programs and restorative alternatives to incarceration.

For these reasons, MABE supports House Bill 146 with the amendments described above.