

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

## JUDICIARY COMMITTEE

### HOUSE BILL 18: EDUCATION - REPORTING ARRESTS OF STUDENTS - ALTERATIONS

February 1, 2024

#### POSITION: Oppose

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 opposes House Bill 18, which would expand reporting of reportable offense arrests and confidential student information to the Maryland Center for School Safety and the State Board of Education.**

Under current law, Md. Code, Educ. § 7-303, which was amended in 2022, law enforcement is already required to inform school districts if a student has been arrested for one of the many listed offenses set forth in the statute. With this information, school systems can unilaterally remove students from their regular school program for indefinite periods of time, despite the fact that the alleged offense occurred off school grounds and is unrelated to school. Pursuant to the 2022 legislation, if it is determined by a school system that the student's presence in school would cause "imminent threat of serious harm to other students and staff," the school system may remove the student from their regular school program<sup>1</sup>.

Current law requires that a mere arrest triggers reporting to a school district, regardless of whether the case is in fact petitioned by a State's Attorney. With over 65% of all arrests and 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,<sup>2</sup> the current reportable offense statute already casts a wide net and there is no reason that confidential information regarding offenses that happen off school grounds needs to be further disseminated to the Maryland Center for School Safety and the State Board. Indeed, the bill gives no explanation as to why an expansion is necessary and this Committee has declined to pass this same bill for four years in a row.

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<sup>1</sup> Under Md. Code, Educ. § 7-305(h), the school discipline provisions apply to removals arising out of a reportable offense under Section 7-303.

<sup>2</sup> See Department of Juvenile Services Data Resource Guide, Fiscal Year 2023, at p. vi, available at [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2023.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2023.pdf).

Concerns about expanding dissemination and reporting of this confidential information are heightened because under current law, there is no time limit for the sharing of reportable offense information. The information can be shared with another school system until the child graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first. The sharing of confidential, reportable offense information, even after the child is no longer under the supervision of the juvenile justice or criminal justice court, can adversely impact the student's education and perpetuate stigma.

HB 18 is also not necessary because under the 2022 legislation, MSDE is already required to collect comprehensive data regarding reportable offenses which we expect to be released shortly. The treatment of a reportable offense has been left to local boards who are in a better position to evaluate the impact, if one exists, of a reportable offense on its school community. Providing individual names to the Maryland Center for School Safety and the State Board of Education provides no additional function as the current law already requires law enforcement to notify the local superintendent, school principal, school security officer of the off school-ground reportable offense. As there is no compelling need to further invade student privacy and expand sharing of this confidential information to the Maryland Center for School Safety and State Board, CRSD urges the Committee to issue an unfavorable report.

**For these reasons, CRSD opposes House Bill 18.**

For more information contact:

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### **CRSD Members**

Maryland Office of the Public Defender  
League of Women Voters of Maryland  
Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute  
The Choice Program at UMBC  
Public Justice Center  
Sayra and Neil Meyerhoff Center for Families, Children and the Courts  
Progressive Maryland  
FreeState Justice  
ACLU of Maryland  
Disability Rights Maryland