
BILL: HB0018 - Education – Reporting of Arrests of Students – Alterations **DATE:** February 1, 2024

SUBJECT: Letter of Information **COMMITTEE:** Judiciary

POSITION: Information only

CONTACT: Akilah Alleyne
akilah.alleyne@maryland.gov
410-767-0504

The Maryland State Department of Education (MSDE) provides this information for your consideration of HB0018- *Education – Reporting of Arrests of Students – Alterations*.

HB 0018

Under House Bill (HB) 0018, a law enforcement agency that arrests a student for a reportable offense must notify the Maryland Center for School Safety (MCSS), the State Board of Education (MSBE), and the State’s Attorney. This is in addition to notification of the local school superintendent, the school principal, and the school security officer as required in existing statute. HB 18 also requires the local State’s Attorney’s office to notify the local superintendent, the school principal, MCSS, and MSBE of the disposition of the reportable offense. Additionally, the local superintendent is required to notify MCSS and MSBE when a student arrested for a reportable offense no longer resides within the jurisdiction of the local education agency (LEA). HB 18 is an emergency measure that shall take effect from the date it is enacted.

MSDE and Reportable Offenses

In 2022, the Maryland General Assembly passed House Bill (HB) 146: Education – Reportable Offenses, Student Discipline, and School Disruptions – Presence of an Attorney and Reporting (2022 Md. Laws, Chap. 742). This requires an annual report of certain information about reportable offenses at the LEA level. The report includes the number of incidents, the nature and count of the charge, action taken by the LEA, and data on the student’s academic program. The data is disaggregated by grade, race, gender, and disability status to the extent possible to protect student identity. The first report was submitted to the General Assembly on December 30, 2023.

MSDE estimates that HB 18 would have an operational impact on the agency. MSDE would need to work with MCSS to establish procedures and protocols for receiving the required information and maintaining the information throughout the year, which would be in addition to the preparation of MSDE’s annual report based on the same data. To facilitate an efficient process and maintain the accuracy of the data, it may be optimal if the required data were reported to one agency and shared under a data-sharing agreement with the other. Additionally, HB 18 requires MSDE to revise existing regulations to reflect the changes.

Impact on Local Agencies

HB 18 may have an operational impact on local law enforcement, LEAs, and the local State's Attorney's office, as it adds new requirements for each agency:

- **Local Law Enforcement:** In addition to reporting data on students arrested for a reportable offense to the local superintendent, school principal, and school security officer, law enforcement agencies must also report data to MCSS and MSBE.
- **LEAs:** HB 18 requires local superintendents to notify MCSS and MSBE when a student arrested for a reportable offense no longer resides within the jurisdiction of the LEA.
- **State's Attorney's Office:** Under current law, the local State's Attorney's Office is required to notify the local superintendent and the school principal of the disposition of the reportable offense. HB 18 adds MCSS and MSBE to this list.

The extent to which local agencies have reporting procedures in place to facilitate the additional reporting will determine the impact of HB 18. MSDE has identified potential difficulties the changes mandated by the legislation may pose for the agencies impacted.

Existing law requires that certain data be destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever comes first. If this data were reported to MCSS and MSDE in accordance with HB 18, MCSS and MSDE would not have access to supplemental real-time student-level data to be able to comply with this requirement.

Additionally, HB 18 requires local superintendents to notify MCSS and MSBE when a student arrested for a reportable offense no longer resides within the jurisdiction of the LEA. Although LEAs have the capability to report when a student is no longer enrolled in their jurisdiction, they may not have the capability to track student residency.

Finally, HB 18 is an emergency measure that shall take effect from the date it is enacted. The local agencies described in this bill will need adequate time to ensure that reporting procedures are in place to meet the new requirements.

Please contact Akilah Alleyne, Ph.D., Executive Director of Governmental Affairs, at 410-767-0504, akilah.alleyne@maryland.gov, if additional information is needed.