



Date: March 27, 2025

Bill Number/Title: HB 1265 - Education - Reportable Offenses and Prohibited Behavior on School Grounds - Alterations

Committee: Senate Education, Energy, and the Environment

Board Position: Favorable with Amendments

The Juvenile Services Education Board respectfully requests a favorable report to House Bill 1265, as amended by the House.

Background & Current Operations on Records

In 2021, the Maryland General Assembly passed SB 497/CH 147, which created the Juvenile Services Education Board and Program (JSEP). This law transferred the responsibility for educating youth in the custody of the Department of Juvenile Services (DJS) from the Maryland State Department of Education (MSDE) to the newly established, independent JSEP Board.

Currently, the Juvenile Services Education Program (JSEP) neither receives nor transmits any reportable offense records, and it is prohibited from doing so under Md. Code Ann., Cts. & Jud. Proc. Sec. 3-8A-27(b)(1). JSEP does not store, record, request, or transmit any information regarding a student's alleged criminal activity. JSEP does not currently receive reportable offense information from law enforcement, State's Attorney's offices, other school systems, or any other source.

Not all young people in the care of DJS are JSEP students. A young person is considered a JSEP student only when in DJS custody in one of eight DJS residential facilities in the state. While students are enrolled in JSEP upon entering a facility, students who are enrolled in a public school at the time they are taken into custody are dually enrolled in both a public school and JSEP until after the disposition of the student's case under Md. Code Ann., Human Services Article Sec. 9-604(a)(2).

When a student enrolls in JSEP, a JSEP records clerk requests educational records from the student's previous school by submitting a records request form. JSEP records clerks receive the following educational records: Maryland Student Exit Record for all schools attended; academic transcripts; current school year grades standardized test results; assessment results; the student's State Assigned Student ID (SASID); birth certificate; immunization records; and, if applicable, past Individual Education Program (IEP) plans, Section 504 Plan, and Home Language Survey. The previous school is, under Md. Code Ann., Educ. § 8-504(b)(3), required to send this information within three school days following receipt of the request.

Once a student is released, JSEP works with the DJS Educational Transition Unit to enroll the student in school and secure community resources and support. In order to transmit educational records to a school that a student has enrolled in once released, the school must request these records from JSEP in writing. Records are only transmitted upon receiving a records request. JSEP records clerks then securely transmit these records to the school.

It is important to note that the average time a student is with JSEP is 40 days. Many of the students in JSEP are over-aged and under-credited, reflecting systemic challenges that disproportionately affect youth involved in the justice system. In FY 24, approximately 80 percent of JSEP students identified as African American, and 91 percent were male—groups statistically overrepresented in the justice system and underrepresented in post-graduation education and career opportunities. Additionally, 30 percent of JSEP students were identified as requiring special education services, a figure significantly higher than the Maryland state average of 12 percent.

JSEP's policy is that the young people who are educated through JSEP are students first. We remain committed to protecting student's confidential information, and we ask the Committee to review the bill's language and clarify how confidential juvenile records, i.e. reportable offense records, are to be received and transmitted.

Position on HB 1265

The Board respectfully requests a favorable report on HB 1265, as amended by the House. While the language of the three amendments the Board proposed to the House were not directly included, the language in the House version of the bill clarifies that JSEP is not directly responsible for transmitting reportable offense information, which is in line with current practice. The Board is committed to maintaining the confidentiality of student records.

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