

Letter Of Support SB0386 (2025).pdf

Uploaded by: Hassan Giordano

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 12th, 2024

The Honorable Brian J. Feldman.
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

RE: SBo386 - Primary and Secondary Education – Definition and Notification of Reportable Offense – Alterations

Dear Chairman Feldman, Vice-Chair Kagan, and Honorable Members of the Committee,

I am writing to express our support for SBo386, a bill that seeks to repeal and amend certain provisions of the Education Code, Section 7-303. This bill would enhance coordination between law enforcement and our school systems by allowing the sharing of crucial information when a student is arrested and charged with a “reportable offense.” Additionally, it would require the Department of Juvenile Services (DJS) to notify the local superintendent of schools, the school principal, and the school security officer in such cases.

Under the current provisions of Education Code 7-303, the actual reporting to a school of a “reportable offense” is limited, and law enforcement is prevented from informing designated school officials when a student is arrested on campus or at a school event. Furthermore, this law does not mandate that DJS notify school officials if a case is dismissed or resolved informally without litigation. In many instances, when these cases are resolved informally or at intake—an occurrence that affects a significant number of students—the individuals in question return to the same school where the offense occurred, without any relevant information being shared with the school.

This lack of communication leaves schools vulnerable and impedes their ability to protect students and staff. SBo386 addresses this gap by requiring that schools be notified when a case is not pursued through the court system, ensuring that school officials are aware of incidents that may affect the safety and well-being of their communities.

This bill is vital to enhancing the safety of our children and educators by fostering transparency and improving communication between the judicial and educational system. By ensuring that schools receive timely and accurate information about incidents involving their students, this legislation will empower educators and school officials to make informed decisions regarding the safety of their students and staff.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

In conclusion, I urge the Committee to support SB0386, as it will significantly contribute to building trust in our judicial system while providing schools with the tools necessary to maintain a safe and secure learning environment.

Thank you for your consideration.

Sincerely,

Hassan Giordano

Hassan Giordano
Chief, External Affairs Division

Letter of Support SB 386 HB 526.pdf

Uploaded by: Kevin Britt

Position: FAV

FREDERICK COUNTY SHERIFF'S OFFICE

HEADQUARTERS FREDERICK COUNTY LAW ENFORCEMENT CENTER

110 Airport Drive East
Frederick, Md. 21701
301-600-1046
301-600-1527 (Fax)
301-600-7655 (TTY)

JUDICIAL OPERATIONS

100 W. Patrick Street
Frederick, Md. 21701
301-600-2162
301-600-3690 (Fax)



CHARLES A. JENKINS
SHERIFF

DETENTION CENTER/ CENTRAL BOOKING

7300 Marcie's Choice Lane
Frederick, Md. 21704
301-600-2550 (D.C.)
301-600-2566 (D.C. Fax)
301-600-1790 (C.B.)
301-600-1791 (C.B. Fax)

WORK RELEASE CENTER

7281 Marcie's Choice Lane
Frederick, Md. 21704
301-600-1727
301-600-3404 (Fax)

Honorable Delegates and Senators,

The Frederick County Sheriff's Office registers strong support of HB 526 / SB 386. This is common sense legislation that allows our public schools to make school safety decisions based on facts from law enforcement, the Department of Juvenile Services, and the State's Attorney's Office.

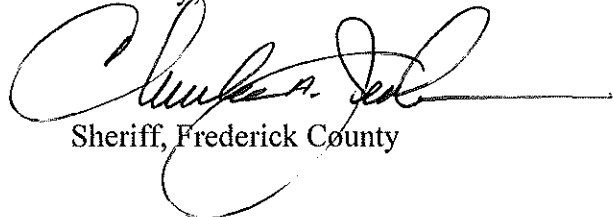
HB 526 / SB 386 fixes several problems with the current Reportable Offense Notifications.

Problem 1: The current law does not require DJS to tell the school system how it handles cases referred to their agency. Many of our Frederick County Sheriff Deputies' juvenile referrals result in informal resolutions by DJS – they never get sent to court for the State's Attorney's Office to get involved. Currently, DJS does not send any disposition information to Frederick County Public Schools. HB 526 / SB 386 would require DJS to provide the local school system with notice of informal resolution dispositions, which make up most of the juvenile referrals to DJS in Frederick County.

Problem 2: The current law does not allow law enforcement or the State's Attorney's Office to send official notifications to the school system related to arrests that occurred on school property or at a school-related event. While school staff are typically aware if law enforcement is involved in an incident at school, law enforcement cannot send formal notification about the outcome of the investigation. This is particularly an issue with longer investigations, such as sex offenses. School officials may know law enforcement is involved at the start, but investigations could last months. If a suspect is eventually charged, law enforcement cannot make a formal notification to the school letting them know.

Having our schools making safety decisions without legally correct data is not in the best interests of Frederick County, or the State of Maryland. HB 526 / SB 386 allows our schools to make safety, security, and attendance decisions with the most complete and accurate decisions. I urge you to make our schools safer and pass HB 526 / SB 386.

Sincerely,



Sheriff, Frederick County

SB 386 Juvenile notification of schools and report

Uploaded by: Kurt Wolfgang

Position: FAV



Maryland Crime Victims' Resource Center, Inc.
Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

Email: mail@mdcrimevictims.org • Web Page: www.mdcimevictims.org

Toll Free: 1-877-VICTIM 1 (1-877-842-8461)

February 10, 2025

Headquarters

1001 Prince
George's Blvd
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Upper Marlboro MD
20774
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free)
240-929-0526 (fax)

TESTIMONY REGARDING SENATE BILL 386

Our organization is pleased to endorse this bill. This is a common sense measure attempting to provide a more safe, secure, sane environment in our schools. The secrecy involved in juvenile matters often presents problems that conflict with public safety. The passage of this bill would solve one of those conflicts.

Baltimore

**1 N Charles Street
Suite 700**
Baltimore MD 21201
410-234-9885
(phone)
410-234-9886 (fax)

I'm sure the members of the committee are aware of the recent events that call for this change. Nothing could be more important than safeguarding the children in our public schools. All too often, the safety of students from unruly behavior of juvenile offenders is given short shrift.

Carroll; Howard;

Baltimore Counties

Oakland Manor
5430 Vantage Pt. Rd
Columbia, MD
21044

The current definition of "reportable offense" limits the scope of incidents that must be reported to school authorities. By removing the requirement that the offense occurred off school premises and did not occur at a school-sponsored event, Senate Bill 386 ensures that all relevant incidents are reported, regardless of where they take place. This change is essential for maintaining a safe and secure learning environment for our students.

Eastern Shore

Frederick and

Montgomery

Counties

Furthermore, the bill mandates that the Department of Juvenile Services report certain decisions made during an inquiry of a juvenile offender to the local superintendent of schools and the school principal. This increased communication between juvenile services and school authorities will enable schools to take appropriate measures to support and protect their students.

Prince George's

Family

Justice Center

(partnership)

14757 Main Street
Upper Marlboro,
MD 20774
301-780-7767
(phone)

In conclusion, Senate Bill 386 is a necessary and timely piece of legislation that will help safeguard our students and promote a safer school environment. I urge you to support this bill and ensure its swift passage.

Western Maryland

59 Prospect Square
#006
Cumberland MD

Kurt W. Wolfgang
Executive Director
On Behalf of All Maryland Victims

Letter to

February 10, 2025

2025 Letter in Support SB 386 JCSmith.pdf

Uploaded by: Laura Wilt

Position: FAV



J. CHARLES SMITH, III
STATE'S ATTORNEY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

STATE'S ATTORNEY

County Courthouse
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JUVENILE DIVISION
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February 5, 2025

Dear Honorable Senators,

The Frederick County State's Attorney's Office registers strong support to **HB 386(HB 526)**. This legislation allows our public schools to act with facts rather than rumor when making school safety decisions.

Currently the Education Code 7-303 provides that law enforcement must notify certain designated school officials of the arrest of a student for a listed 'reportable offense.' The law does not require the Department of Juvenile Services (DJS) to tell the school how it handles such offense when it is referred to their agency.

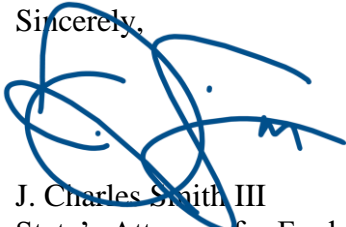
This legislation would allow the school system to be notified of what action DJS takes with the charges. If DJS refers the charges to court, the law already provides that the State's Attorney's Office notify the school of the final court disposition. This legislation would fix the gap and allow DJS to notify school officials if it decides to handle the charges informally and keep the case out of the courtroom. Designated school officials would be given up-to-date information to make school security decisions.

Currently 7-303 provides a list of offenses which are identified as "Reportable Offenses." This list includes many offenses including assaults, crimes of violence, weapons, sexual offenses etc., however if the offense happens on school property or during a school event the school is not given any notification of the arrest or court disposition.

This legislation would allow designated school officials to be notified if the police charge any of the enumerated offenses resulting from an altercation or offense that occurred at school. Under the current law, school officials are aware of the offenses occurring in their building but then are not allowed anything but rumor or self-report information to know how the situation was resolved. As an example, a student brings a gun to school or a rape is alleged to happen at a school: the school knows that law enforcement is involved, but law enforcement and the courts are legally not allowed to communicate with the school how the investigation was resolved. To have our schools making safety decisions for our students without legally correct data is not in our community's best interests.

Our school safety and attendance decisions shouldn't be compromised by incomplete data. Please support this measure to enhance school security and improve decision-making processes. I urge you to make our schools safer by passing this SB 386/ HB 526.

Sincerely,



J. Charles Smith III
State's Attorney for Frederick County
100 West Patrick Street
Frederick, MD 21701
301-600-1523
JCSmith@statesattorney.us

SB 386 OPD Testimony _ Oppposed.pdf

Uploaded by: Alyssa Fieo

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 386 - Primary and Secondary Education - Definition and Notification of Reportable Offense - Alterations

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 12, 2025

The Maryland Office of the Public Defender (MOPD) respectfully requests that the Committee issue an unfavorable report on Senate Bill 386, which seeks to change the definition of “reportable offense” in Maryland Code, Education Article, § 7-303 and to require the Maryland Department of Juvenile Services (DJS) to report information on charges that are not formalized. MOPD opposes this bill as it is unnecessary and fails to understand the purpose of the reportable offense provision.

Senate Bill 386 would expand the definition of reportable offense to include all offenses whether they occurred on school grounds or at a school function, as well as in the community. In 2022, the Maryland General Assembly passed HB 146 which made clear that a reportable offense means that the behavior occurred off school premises and did not occur at a school event. That legislation gave the necessary guidance to school systems and to law enforcement regarding its statutory reporting requirement. It serves no purpose to revisit the definition at this time. All offenses that occur on school grounds or at a school event have consequences through the school discipline process and school systems already have the authority to remove the students who pose an imminent safety risk through suspension or expulsion. *See* COMAR 13A.08.01.11. Due process protections are afforded to students under those provisions. By merging school-based offenses with community offenses, SB 386 guts the purpose of the reportable offense process which is designed to share information about alleged student conduct related to certain offenses that occurred in the community. School systems cannot evade the requirements *and protections* of the school discipline

laws and regulations regarding school-based conduct by relying instead on the reportable offense process.

Senate Bill 386 would also require DJS to report what happens at the DJS intake process if the case is proposed for an “informal adjustment” or if a petition on the charge is denied. This level of information-sharing would compromise the confidentiality requirement found in Maryland Code, Courts and Judicial Proceedings, § 3-8A-27.¹ Further, while the MOPD acknowledges the value of schools being informed when a student’s charge is informally resolved or a petition is not authorized, the bill fails to address the implications of this information sharing or any presumptions that should accompany it. In fact, there should be a presumption that a student whose case was informally adjusted or not petitioned should remain in or return to their regular school program.

In 2022, the Maryland General Assembly passed legislation in response to concerns about the misuse or overuse of school removal for students arrested for a reportable offense. That legislation clarified the process to ensure that students had due process protections and that there would not be a misuse of removals based on court involvement. In July 2024, the Maryland State Board of Education issued regulations which provide more guidance on how the reportable offense process is to work, and require the timely reporting by law enforcement and notice of disposition by the States Attorney’s Office. On January 28, 2025, the Maryland State Board of Education voted to adopt an additional regulatory change which will require the sharing of information by school systems. Given the robust process outlined in the regulations pursuant to Maryland Code, Education, § 7-303, additional legislative action as set forth in SB 386, is not necessary, will create confusion, and could undermine the protections guaranteed to students under the school discipline code.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 386.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Alyssa Fieo, Education Attorney/Assistant Public Defender

alyssa.fieo@maryland.gov

Abbie Flanagan, Education Attorney/Assistant Public Defender

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¹ In fact, there exists a 1984 Attorney General Opinion stating that records maintained by the Maryland Department of Juvenile Services are confidential records within the meaning of the juvenile confidentiality statute. See 69 Md. Op. Atty. Gen. 165 (Md.A.G.), 1984 WL 247024. It should be noted that both the name of the Department and the locations of various provisions cited in the Opinion have changed since its issuance in 1984.

CRSD SB 386 oppose 2025.pdf

Uploaded by: Kelly Quinn

Position: UNF

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

Education, Energy, and the Environment

Senate Bill 386 - Primary and Secondary Education - Definition and Notification of Reportable Offense - Alterations

February 12, 2025

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. For over a decade, we have been 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 Senate Bill 386** which seeks to change the definition of "reportable offense" in Maryland Code, Education Article, § 7-303 and to require the Department of Juvenile Services (DJS) to report information on charges that are not formalized.

During the 2022 Legislative Session, the General Assembly passed HB 146 in response to concerns that school systems were unnecessarily excluding students based on community-based charges with little oversight or accountability. At that time, in addition to adding due process protections for students, the legislature made clear that the definition of a reportable offense means that the behavior occurred off school premises and did not occur at a school event. Based on the legislation, the Maryland State Board of Education issued regulations in July 2024 and recently adopted an additional regulation regarding the sharing of information between districts. Senate Bill 386 seeks to undo recent legislative action without consideration of the fact that the school discipline regulations and the discipline code govern a student's behavior in-school or at a school sponsored event. Under the school discipline laws and regulations, school systems already have the authority to remove the students who pose an imminent safety risk through suspension or expulsion based on school-based conduct. Thus, SB 386's proposed broader definition of reportable offense does not fill a void or address a need. Rather, it seeks to undo the purpose of the reportable offense statute which is to ensure that school systems are aware of arrests involving serious offenses in the community and that they have the opportunity to evaluate whether any safety threats exist. The purpose of the reportable offense statute is to address the very narrow issue of community-based offenses and broadening its scope to include school-based conduct is not warranted and would create unnecessary confusion.

CRSD is also concerned about the provision in SB 386 which would require DJS to report what

happens at the DJS intake process if the case is proposed for an “informal adjustment” or if a petition on the charge is denied. As written, it is difficult to understand the implications of this information sharing or its impact on the student’s placement. CRSD has long held that students whose charge is pending and are in the community with no safety issues identified by the juvenile court, should generally be permitted to remain in their regular school program.

For these reasons, CRSD opposes SB 386.

For more information contact:

CRSDMaryland@gmail.com

CRSD Members

The Choice Program at UMBC

Progressive Maryland

League of Women Voters of Maryland

Maryland Office of the Public Defender

Spencer M. Hall, Esq.

Disability Rights Maryland

ACLU of Maryland

Public Justice Center

Project HEAL at Kennedy Krieger Institute

Sayra and Neil Meyerhoff Center for Families, Children and the Courts at the University of Baltimore

School of Law

Strong Schools Maryland

YEJ Clinic - SB 386 Written Testimony (UNFAV).pdf

Uploaded by: Kristy McMullen

Position: UNF

**TESTIMONY IN OPPOSITION TO SENATE BILL 386
PRIMARY AND SECONDARY EDUCATION – DEFINITION AND NOTIFICATION OF
REPORTABLE OFFENSE – ALTERATIONS
POSITION: UNFAVORABLE**

To: Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagan, Vice-Chair
Education, Energy, and the Environment Committee

From : Kristy McMullen, Student Attorney, Youth Education and Justice Clinic, University of Maryland Francis King Carey School of Law (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: February 10, 2025

The Youth, Education, and Justice Clinic (“the clinic”) at the University of Maryland Francis King Carey School of Law represents students who have been excluded from school via suspensions, expulsions, and other means, as well as individuals serving life sentences for crimes committed as children or young adults. The clinic strives to keep children in school, ensuring their access to the education they need and deserve. The clinic requests an unfavorable report on Senate Bill 386, which seeks to expand the definition of reportable offenses by removing the requirement that the offense take place off of school property. Thus, “[t]he bill would require law enforcement to report arrests of students for . . . reportable offenses regardless of where they occurred”¹ The bill further seeks to add a requirement that the Department of Juvenile Services (DJS) report to school superintendents and principals’ decisions to 1) propose an informal adjustment for the child accused of a reportable offense; and 2) deny authorization to file a formal petition for the offense.

Enacting SB 386 is unnecessary, duplicative of existing law, and would retreat from recent clarification of Maryland law regarding the essence of reportable offenses. Maryland Educational Code § 7-303² defines “reportable offenses” as those that occurred off of school premises and *not* at an event sponsored by the school. Thus, these are offenses that are completely separate and distinct from offenses that occur *on* school property or at a school-sponsored event. Maryland law mandates that when a student is arrested for a reportable offense, the superintendent of their school system, their school principal, and their school security officer be notified.³ The reportable offenses law balances a child’s educational well-being with the school’s need for safety for all students and staff.⁴

¹ Maryland General Assembly, Department of Legislative Services, Racial Equity Impact Note, SB 386, 2025 Session, at 1 (hereafter “Racial Equity Impact Note”).

² MD. CODE ANN, EDUC. § 7-303 (a)(6)(i)-(iii).

³ *Id.* at (b)(1)(i)-(iii).

⁴ *See generally* COMAR 13A.08.01.17.

Thus, a reportable offense, at its, core, occurs off school grounds and is separate from any school activity. Because it is separate and distinct from school property or activity, law enforcement must report the offense to the child's school. However, SB 386 seeks to meld all offenses together, regardless of whether they occurred on school grounds or off school grounds. SB 386 aims to broaden reportable offenses to include those that occur *in* school or at a school-sponsored event. Thus, law enforcement would be required to report to schools those offenses that occurred *at* schools as well as school-sponsored events, even though, as the Racial Equity Impact Statement for SB 386 explains, "school officials are likely involved in the initiation of arrests that occur on school grounds are at school sponsored events."⁵

Indeed, all offenses that occur on school grounds and school-sponsored events are covered by Maryland laws specific to school discipline. These laws spell out the procedures and processes that follow and respond to offenses that occur on school grounds.⁶ Importantly, those laws detail the due process protections afforded to students in school discipline matters and calls for excluding students from school upon a finding that their return would pose an "imminent threat to other students or staff."⁷ The point here is that Maryland law is very clear: it sets forth processes and procedures that must be followed for offenses that occur off school grounds (and that constitute "reportable offenses") as well as processes and procedures that must be followed for offenses that occur on school grounds. While the overarching interests—ensuring due process and balancing the child's educational well-being with school safety—are the same with offenses that occur off school grounds and on school grounds, there are different considerations at play. Maryland law recognizes and understands these different considerations. Indeed, only three years ago, in 2022, the Maryland General Assembly clarified the essence of a reportable offense: it "is an offense that occurred off school premises and did not occur at an event sponsored by the school."⁸ Therefore, the changes that SB 386 seek are unnecessary.

Further, SB 386 aims to require DJS to notify the superintendent and school principal of DJS intake officer decisions to informally adjust a reportable offense charge and deny authorization to file a formal petition. Simply put, these are decisions *not* to forward the matter to the Office of the State's Attorney. Enacting this requirement would place additional burdens on DJS. More pointedly, it appears to run afoul of the confidentiality requirements detailed in the Courts and Judicial Proceedings article of the Maryland Code.⁹ Notwithstanding these concerns, if

⁵ Racial Equity Impact Statement, *supra* note 1, at 1.

⁶ *See generally* COMAR 13A.08.01.11.

⁷ COMAR 13A.08.01.11(B)(2)(a) (expulsions) and 13A.08.01.11(B)(3)(a)(i) (extended suspensions).

⁸ Racial Equity Impact Statement, *supra* note 1, at 2.

⁹ *See* MD. CODE CTS. & JUD. PROCEEDINGS §3-8A-27(b)(1) ("A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7-303 and 22-309 of the Education Article."). In this context, Maryland Educational Code § 7-303 requires law enforcement to notify the local superintendent, school principal, and school security officer of a child's arrest for a reportable offense, § 7-303(b)(1)(i)-(iii), and the State's Attorney to "promptly notify" the superintendent or principal "of the disposition of the reportable offense." *Id.* at (c).

Maryland law were to require DJS to inform the superintendent and school principal of these decisions to informally adjust or *not* file a formal petition, certainly the school should be required to have the student remain in school or accept the student's return to school immediately.

In sum, SB 386 is unnecessary. For this reason, as well as the reasons set forth above, the Youth, Education, and Justice Clinic opposes SB 386. We ask for an unfavorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law, and not on behalf of the School of Law or the University of Maryland, Baltimore.

Gibson-Banks Center for Race and the Law testimony

Uploaded by: Monique Dixon

Position: UNF

Testimony Concerning Senate Bill 386
Primary and Secondary Education – Definition and Notification of Reportable
Offense - Alternations
Position: Unfavorable

To: Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagin, Vice Chair
Members of the Education, Energy, and the Environment Committee

From: Monique L. Dixon, Executive Director and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: February 10, 2025

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit testimony raising concerns about Senate Bill 386 (SB 386), which would amend Maryland’s education article by removing from the definition of reportable offenses the requirement that the offense occurred off school premises and did not occur at a school sponsored event. SB 386 would also require the Maryland Department of Juvenile Services (DJS) to notify certain school officials of its decision to informally resolve a complaint involving or not file a petition against a student for a reportable offense.

The Gibson-Banks Center works collaboratively to transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas, including the education and criminal legal systems.

We respectfully urge you to issue an unfavorable report for SB 386 for several reasons. First, if the intent of the bill is to require law enforcement to notify school officials of students arrested for reportable offenses that occur on and off school grounds, current law already provides for both scenarios. Second, SB 386’s proposed requirement that DJS notify schools of its decision to informally resolve a complaint against a student involving a reportable offense or

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law or the University of Maryland, Baltimore.

deny authorization to file a petition for the reportable offense should result in the student remaining in or returning to their regular education program. Doing so will ensure that these students have equal access to educational opportunities.

SB 386 needlessly duplicates state law & regulations.

Maryland education officials have a legal obligation to maintain safe schools and ensure that all students have equal access to educational opportunities. These responsibilities are not mutually exclusive. Maryland policymakers have already passed legislation and issued implementing regulations and policies that attempt to balance both legal obligations when students are arrested for offenses that occur on and off school grounds.

For example, section 7-305 of the Maryland Education Code provides a process by which schools may suspend or expel students from school consistent with the rules and regulations of county boards of education.² County boards of education have student codes of conduct that specify when a student may receive an out-of-school suspension or expulsion for code of conduct violations, including conduct that rise to the level of criminal offenses, such as firearm possession, attack on student or staff, and drug distribution, to name a few.³ Section 13A.08.01.12 of the Code of Maryland Regulations (COMAR) details the process law enforcement officers should follow when arresting students on school grounds during school and non-school hours. This provision also requires county boards of education to report all arrests data to the Maryland State Department of Education.⁴

Additionally, section 7-303 of the Maryland education article requires law enforcement agencies to timely and confidentially notify school officials of the arrest of and charge(s) filed against students for a reportable offense, including crimes of violence, that occur off school grounds and not at a school-sponsored event.⁵ Upon receipt of this information, the school principal, in consultation with appropriate school staff, must consider whether the student's in-person school attendance "presents a risk to the safety of other students and staff."⁶

If the school principal believes the student presents a safety risk, then the principal must immediately work with the student, the student's parent or guardian, and the student's attorney (if the student has legal representation) to develop a plan that both provides for appropriate educational programming and services for the student and maintains a safe learning environment

² MD. CODE ANN, EDUC. §7-305.

³ See, e.g., Frederick County Public Schools, *FCPS Parent/Student Handbook and Student Code of Conduct 2024-2025*, https://campussuite-storage.s3.amazonaws.com/prod/33903/86de7fb0-3a18-11e6-b537-22000bd8490f/2827006/559592f4-5579-11ef-aabf-0a58a9feac02/file/StudentCodeofConduct_2024-25.pdf; and Baltimore City Public Schools, 2024-2025 Student Code of Conduct, https://core-docs.s3.us-east-1.amazonaws.com/documents/asset/uploaded_file/3843/BCPS/4600805/Code_Of_Conduct_Book_2024_25_ENG.pdf.

⁴ See, COMAR 13A.08.01.12. See also, Maryland State Department of Education, Maryland Public Schools Student Arrest Data School Year 2022 – 2023 Annual Report (April 2024), <https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20222023-A.pdf>.

⁵ MD. CODE ANN, EDUC. §7-303(b).

⁶ See, COMAR 13A.08.01.17.C(2).

for all students.⁷ This plan may include removing the student from a regular school program, but only after an individualized educational and safety assessment is performed.⁸ Notably, this assessment is required because Maryland law makes clear that a reportable offense cannot be the *sole* basis for excluding a student from traditional in-person education.⁹

SB 386, which amends the reportable offenses provisions of Maryland’s education article to require law enforcement to report to schools crimes that students allegedly commit on and off school grounds, needlessly duplicates current law.

SB 386’s requirement that DJS notify schools when it informally resolves a complaint or denies authorization to file a petition against a student arrested for a reportable offense should result in the student remaining in or returning to their regular school program.

The notification of reportable offenses provision of Maryland’s education article is intended to give schools the information they need to make any adjustments to the education program of the student who is arrested, bearing in mind the student’s educational needs and the safety of other students and staff.¹⁰ If DJS decides to informally resolve a complaint or not to file a petition against a student charged with a reportable offense, then presumably the agency has determined that the student does not pose an imminent safety threat; therefore, these students should return to their regular education program to ensure that all students have equal access to educational opportunities.¹¹

We are concerned that the implementation of SB 386 may result in certain students being denied equal access to educational opportunities in violation of federal nondiscrimination laws. Federal civil rights laws prohibit discrimination based on race, color, or national origin,¹² sex,¹³ or disability¹⁴ under any program or activity that receives federal financial assistance. State and

⁷ See, COMAR 13A.08.01.17.C(3) – (5).

⁸ See, COMAR 13A.08.01.17.D.

⁹ See, COMAR 13A.08.01.17.D(2).

¹⁰ See, MD. CODE ANN, EDUC. §7-303(f)(1). See also, COMAR 13A.08.01.17.C.

¹¹ See, Dep’t of Legislative Services Maryland General Assembly, *Racial Impact Note, Session 2025, SB 386, Primary and Secondary Education - Definition and Notification of Reportable Offense – Alterations*, 4 (stating “[t]he bill’s notification requirement for DJS to notify school officials of certain post-arrest outcomes for reportable offense arrests would benefit the affected students by allowing a faster return to regular school programming in those cases where an arrested student is not referred to formal proceedings. Black students, in particular, may be impacted to the greatest extent as they make up a substantially large portion of reportable offense arrests as well as arrests on campus. The specific impacts, however, cannot be determined without more longitudinal data on arrest outcome.”),

<https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2025RS-SB0386-REIN.pdf>.

¹² See, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.* (stating “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”).

¹³ See, Title IX of the Education Amendments of 1972, 20 U.S.C §1681, *et seq.* (stating “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”).

¹⁴ See, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (stating “[n]o otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving

local school systems and schools that receive federal funds must comply with these nondiscrimination laws. For example, school systems and schools must carry out student removals from education programs for disciplinary/safety purposes in a nondiscriminatory manner.¹⁵

Data collected by the Maryland State Department of Education show that Black students (57%), students of two or more races (8%), and boys (62%) were overrepresented among the 1,568 students arrested at schools statewide during the 2022-2023,¹⁶ the most recent school year for which data are available, when compared to their representation in the statewide student population (33%, 5% , and 51% respectively).¹⁷ Of the 1,568 students arrested at schools, 1,389 (88%) received an out-of-school suspension in conjunction with the arrest.¹⁸

Additionally, data about the number of students arrested for reportable offenses that occurred off school grounds show that Black students, students of two or more races, boys, and students with disabilities were overrepresented. Specifically, during the 2023-24 school year

- Black students and students of two or more races comprised 65% and 9% of students arrested for reportable offenses incidents¹⁹ even though they represented only 33% and 5% of the statewide student population that school year.²⁰
- Boys represented 73% of students arrested for reportable offenses incidents,²¹ but 51% of the statewide student population.²²

Federal financial assistance.”). *See also*, Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134 (prohibiting disability discrimination by State and local governments, regardless of whether they receive federal funds).

¹⁵ *See generally*, Office for Civil Rights, U.S. Department of Education and Civil Rights Division, U.S. Department of Justice, *Resource on Confronting Racial Discrimination in Student Discipline* (May 26, 2023), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf>. *See also*, Office for Civil Rights, U.S. Department of Education, *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973*, 27-32 (July 19, 2022), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-discipline-guidance.pdf>.

¹⁶ Maryland State Department of Education, *Maryland Public Schools Student Arrest Data School Year 2022 – 2023, Annual Report* (Maryland Public Schools Arrest Data), 1-3. 125-127 (April 2024), <https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20222023-A.pdf>.

¹⁷ Maryland State Department of Education, *Maryland State 2022-2023 School Report Card, Demographics/Enrollment* (2023), <https://reportcard.msde.maryland.gov/Graphs/#/Demographics/Enrollment/3/17/6/99/XXXX/2023>.

¹⁸ Maryland Public Schools Arrest Data, *supra* note 16, at 4.

¹⁹ *See*, Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024*, 10 & 18 (December 30, 2024), [https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303\(j\)_2024.pdf](https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303(j)_2024.pdf), [hereafter, *School Year 2023-2024 Reportable Offenses Data*].

²⁰ *See*, Maryland State Department of Education, *Maryland State 2023-2024 School Report Card, Demographics/Enrollment* (2024), <https://reportcard.msde.maryland.gov/Graphs/#/Demographics/Enrollment/3/17/6/99/XXXX/2024>, [hereafter, *Maryland State 2023-2024 School Report Card*].

²¹ *School Year 2023-2024 Reportable Offenses Data*, *supra* note 19, at 10 & 19.

²² *Maryland State 2023-2024 School Report Card*, *supra* note 20.

- Students with disabilities represented 39% of students arrested for reportable offenses incidents,²³ but 13% of the statewide student population.²⁴

Some schools or school districts removed students from or changed their regular school program after determining that they presented an immediate safety risk to students or staff.²⁵ Again, as detailed above, these exclusions were based on individualized assessments that considered the interests of the individual student and the school.

Although data about the number of students who received a suspension in conjunction with an arrest made on school grounds and data on student arrests for reportable offenses committed off school grounds that resulted in removal from or a change of students' regular education program are not disaggregated by race, sex, or disability, the overrepresentation of students of color, boys, and students with disabilities who were arrested on and off school grounds is concerning. And, while the overrepresentation of certain student groups alone does not violate federal nondiscrimination laws, these statistics should cause Maryland school officials to examine student arrests that resulted in the removal of students to ensure that schools are complying with their nondiscrimination obligations.

To ensure that all students have equal access to educational opportunities, regardless of race and other characteristics protected by federal nondiscrimination laws, any notification from DJS to schools indicating that the agency has not formally filed a petition against students arrested for reportable offenses should result in students remaining in or returning to their regular education programs.²⁶

For the above reasons, we urge the Education, Energy, and the Environment Committee to issue an unfavorable report for SB 386.

²³ *School Year 2023-2024 Reportable Offenses Data*, *supra* note 19, at 10 & 20.

²⁴ Maryland State Department of Education, *Maryland State 2023-2024 School Report Card, Demographics/Enrollment, Student Group Populations* (2024), <https://reportcard.msde.maryland.gov/Graphs/#/Demographics/StudentPopulation/1/1/99/XXXX/2024>.

²⁵ *School Year 2023-2024 Reportable Offenses Data*, *supra* note 19, at 23-25.

²⁶ *See, supra* note 11 and accompanying text.

SB 386

Uploaded by: Danielle Lueking

Position: INFO



**Board of Education
of Howard County**

Jolene Mosley, *Chair*

Linfeng Chen, Ph.D., *Vice Chair*

Andrea Chamblee, Esq.

Jennifer Swickard Mallo

Jacky McCoy

Meg Ricks

Antonia Watts

James Obasiolu
Student Member

William J. Barnes
*Superintendent,
Secretary/Treasurer*

**Board of Education of Howard County
Testimony Submitted to the Maryland Senate,
Education, Energy, and the Environment Committee
Judicial Proceedings Committee
February 12, 2025**

SB0386: INFORMATIONAL ONLY

Primary and Secondary Education - Definition and Notification of Reportable Offense – Alterations

The Board of Education of Howard County (the Board) would like to provide this Committee information regarding reportable offenses as you consider **Primary and Secondary Education - Definition and Notification of Reportable Offense - Alterations**. Given the variation in bills introduced on this topic during the current legislative session, we hope to illustrate the need for a workgroup to further understand the roles of various agencies and provide the opportunity for collaboration among all stakeholders.

Currently, under Education Article § 7–303, student arrests are reported to the local superintendent, school principal, and School Resource Officer (SRO) if applicable as reportable offenses. Reportable offense reports are used to provide appropriate educational programming and related services to the student while maintaining a safe and secure school environment for students and school personnel. Ultimately, this process results in a case-by-case determination on whether they should remain in their current school environment, should have their regular school program altered, or the student should be removed from their regular school program.

Following the [arrest of a Howard High School student](#) subsequent discussions resulted statewide on the topic of reportable offense reporting. The Maryland State Board of Education (MSBE) honored a request from members of the Howard County Delegation and [adopted an emergency regulation on October 22, 2024](#), to amend COMAR 13A.08.01.17F *Confidentiality of Information and Retention of Documents* soon after the events in Howard County. Specifically, this change shifted a “may” to “shall” regarding sharing information when a student with a known reportable offense transfers between school districts in Maryland. The State Superintendent of Schools along with MSBE also [testified before](#) the Joint Committee on Administrative, Executive, and Legislative Review (AELR) in early December to discuss the emergency regulation where potential areas of the reportable offense statute that [might be fixed via legislation](#) were discussed.

Beyond inter-county sharing, Howard County Public School System (HCPSS) staff have also reviewed Education Article § 7-303 to look for ways to address gaps in communication for potential improvements in the current law. To be clear, the need for additional communication between agencies is not with the intent of being punitive towards students. School systems must remain vigilant in appropriately considering the information shared, with confidentiality, and in a manner that balances the pursuit of a safe environment with protecting individual student rights.

Based on the internal review by staff, the Board adopted a Legislative Priority on reportable offenses along with the following proposed amendments to Education Article § 7-303 within three focus areas:

- Express the need for law enforcement to share reportable offense information expeditiously, and with greater detail to the extent it would help the school system make a placement determination

- Recommended amendment under § 7-303 (b):
 - (1) Shall notify the following individuals of the arrest [and the charges] within 24 hours of the arrest **AND PROVIDE THE ARREST REPORT OR A DESCRIPTION WITH DETAILS PERTINENT TO SCHOOL SAFETY TO INCLUDE WHETHER ANY VICTIMS WERE STUDENTS AND THE TYPE OF WEAPON INVOLVED IF APPLICABLE. CHARGES SHOULD THEN BE PROVIDED** [or] as soon as practicable:
- Create a support system at the State level that would facilitate locating enrollment when reports are received for a non-local student
 - Recommended addition under § 7-303:
 - **(D) IF A LOCAL SUPERINTENDENT OR SCHOOL PRINCIPAL RECEIVES A REPORT UNDER SUBSECTION (B) FOR A STUDENT THAT IS NOT CURRENTLY ENROLLED IN THAT COUNTY, THE LOCAL SUPERINTENDENT SHALL PROMPTLY NOTIFY THE SUPERINTENDENT OF THE STATE DEPARTMENT OF EDUCATION TO FACILITATE LOCATING THE SCHOOL OR JURISDICTION OF ATTENDANCE. ONCE LOCATED, THE LOCAL SUPERINTENDENT WHO RECEIVED THE REPORT SHALL TRANSFER THE INFORMATION PURSUANT TO SUBSECTION (E).**
- Require the Department of Juvenile Services to share reportable offense information in the same manner law enforcement does
 - Recommended addition under § 7-303:
 - **(G) FOR A STUDENT UNDER THE CUSTODY OR SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES, THE DEPARTMENT SHALL NOTIFY THE LOCAL SUPERINTENDENT AND THE SCHOOL PRINCIPAL OF A SCHOOL IN WHICH THE STUDENT IS ENROLLED OR TO WHICH THE STUDENT HAS BEEN TRANSFERRED OF THE STUDENT'S REPORTABLE OFFENSE OR OFFENSE THAT IS RELATED TO THE STUDENT'S MEMBERSHIP IN A CRIMINAL ORGANIZATION, THE DISPOSITION OF THE REPORTABLE OFFENSE, AND THE LAW ENFORCEMENT REPORT OR A DESCRIPTION OF THE OFFENSE INCLUDING DETAILS PERTINENT TO SCHOOL SAFETY TO INCLUDE WHETHER ANY VICTIMS WERE STUDENTS AND THE TYPE OF WEAPON INVOLVED IF APPLICABLE.**

Although our staff and Board have put the above forward as recommended amendments to Education Article § 7–303, we also understand we are not the only voices interested in changes to this process. Other local school systems, the Maryland State Department of Education, law enforcement agencies, the Maryland Department of Juvenile Services, and advocates alike may have ideas that would enhance the reportable offense process. Now is the time to bring those stakeholders together so that you as legislators can make an informed decision on this and future bills that is in the best interest of Maryland students.

Thank you for the opportunity to provide information on SB0386.

SB 386 FINAL.docx.pdf

Uploaded by: Karalyn Aanenson

Position: INFO

Aruna Miller
Lt. GovernorWes Moore
GovernorVincent Schiraldi
Secretary

Date: February 12, 2025
Bill Number/Title: SB 386 - Primary and Secondary Education – Definition and Notification of Reportable Offense – Alterations
Committee: Education, Energy and Environment
DJS Position: LOI

The Department of Juvenile Services is submitting a Letter of Information as to the transmission of information between law enforcement, schools and the State's Attorney when a student is arrested for a reportable offense.

Currently, when a youth is arrested for a reportable offense, the law enforcement officer is required to notify the superintendent, principal and security officer at the youth's school within 24 hours of the arrest. If the matter is prosecuted, the State's Attorney is required to promptly notify the school superintendent, principal and security officer of the court disposition.

The purpose of the notification provisions is to ensure that school officials receive information in a timely manner to maintain a safe learning environment. Once a school is notified by law enforcement that a youth was arrested for a reportable offense, the school activates a series of protocols, assessments, and supports to promote safety for the school community and ensure the youth continues to receive educational services until the school is notified by the State's Attorney of the case disposition.

The current notification procedures leave out an important decision point that should be communicated to school officials. Generally, once a youth is arrested - either in the juvenile or adult system - a juvenile intake officer or adult commissioner makes a decision on whether the case shall move forward to the State's Attorney. In juvenile matters, intake officers only have discretion to divert or resolve misdemeanor (non-firearm) offenses; all other charges are required to be forwarded to the state's attorney. If the youth is charged with a reportable offense in the adult system, the county commissioner assesses the complaint and forwards it to the local State's Attorney's Office.

If the goal of the proposed legislation is to ensure schools are aware of whether a reportable offense complaint is either disposed of or diverted prior to court intervention, DJS makes the following suggestions:

- Require DJS to notify school officials if a complaint is resolved or informaled in misdemeanor (non-firearm matters);
- Require the State's Attorney to notify school officials if a complaint involving a misdemeanor firearm offense or felony is not going to be prosecuted;
- Require the local county commissioner to notify school officials if the matter, involving a youth charged with a reportable offense, is not forwarded to the state's attorney's office.

It is important to ensure that school officials are notified if a reportable offense is not going to be prosecuted due to the number of protocols and assessments that are required to be followed. DJS is committed to ensuring the reportable offense information sharing process is fair, equitable, and narrowly tailored to promote a safe learning environment.

Contact: Kara Aanenson, DJS Director of Legislation Policy and Reform, kara.aanenson@maryland.gov



SB 386 Definition and Notification of Reportable O

Uploaded by: Mary Pat Fannon

Position: INFO



Mary Pat Fannon, Executive Director
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BILL: SB 386

TITLE: Primary and Secondary Education - Definition of Reportable Offense - Alterations

DATE: February 12, 2025

POSITION: Letter of Information

COMMITTEE: Senate Education, Energy, and the Environment Committee
Senate Judicial Proceedings Committee

CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, is providing this **letter of information** for the Committee's consideration regarding Senate Bill 386.

This legislation alters the definition of "reportable offense" to remove the requirement that the offense occurred off school premises and did not occur at an event sponsored by the school; it also requires the Department of Juvenile Services to report to the local superintendent of schools and school principal for certain decisions made during a certain inquiry of a juvenile offender for certain offenses.

The public education system in Maryland is responsible for providing a free and appropriate education for every student in the State. Local superintendents take this responsibility very seriously and balance this tremendous duty to educate, with the need to provide a safe and supportive educational setting for students and staff.

To ensure the highest standards of safety for schools, it is imperative that information regarding students' criminal involvement and interactions with law enforcement is appropriately shared with school personnel. *The current flow of information between law enforcement and schools is disjointed and needs to be vastly improved.* This legislation would help to provide school administration with important information when making educational placement decisions, but we believe more is needed.

We respectfully request that the Committees direct all parties involved in the implementation of this statute to work together to create an integrated system that ensures seamless and predictable communication. This information-sharing is integral to ensure proper physical safeguards in school buildings, while also protecting student confidentiality, and allowing due process for all parties involved.

PSSAM appreciates the opportunity to work with the Committee to craft the most responsible and appropriate policies that allow for:

- More appropriate and comprehensive information regarding juveniles who transfer between local school systems, including programs hosted by the Department of Juvenile Services (DJS) and the Juvenile Services Education Program and Board (JSEP);
- Expanding information shared by law enforcement to local superintendents or school systems within twenty-four hours of any arrest of a student with details pertaining to school safety, including whether any victims were students and the type of weapon(s) involved if applicable.

Further, enhancements to the “reportable offenses” law should include the tools necessary for seamless communication between education systems, and allow for a central repository via the Maryland State Department of Education or a similarly appropriate entity. For instance, often a local superintendent, school security personnel, or a school principal will receive information as described in the current reportable offenses statute for a student that is NOT currently enrolled in that county. LEAs do not have the information to notify the appropriate district where the student is enrolled. To fill this communication gap:

- Information should be promptly shared with the MSDE (or an appropriate central repository) to facilitate notification of the school or jurisdiction of attendance. Local superintendents and districts are not privy to statewide attendance records and this information must be coordinated at the State level.

We also support the concept of “mandatory information sharing among local superintendents” that was embedded in the emergency regulations passed by the State Board of Education in the fall of 2024. However, to reiterate, local superintendents and school personnel do not have access to the necessary data sources to know where a student has transferred.

In addition, there are many cases where a juvenile under the supervision and jurisdiction of the Department of Juvenile Services (DJS) is transferred to a LEA but no information is shared about the student’s individual circumstances, or the student’s previous educational setting. Therefore, the law must be amended to compel the DJS to:

- Notify the local superintendent and the principal of a school in which the student is enrolled, or which that student has been transferred, of the student’s reportable offense or offense that is related to the student’s membership in a criminal organization, the disposition of the offense, and the law enforcement report or description of the offenses including details pertinent to school safety, including whether any victims were student and the type of weapon(s) involved, if applicable.

Local superintendents support increased communication between law enforcement and the appropriate, but limited, school personnel needed to ensure the safety of students in school settings, as well as protecting the privacy and due process of those awaiting disposition of criminal investigations.

In light of the numerous, and varied proposals before the Legislature this session regarding Reportable Offenses, we believe a task force should be convened and compelled to make recommendations focused on operational protocols for the dissemination and coordination of information. The task force should include all stakeholders identified by the Committees, but including the following organizations are integral for a comprehensive review of the existing statute and its current implementation: the Department of Juvenile Services, the Maryland State Department of Education, the Maryland State's Attorneys' Association, the Maryland Sheriffs' Association, the Public School Superintendents' Association of Maryland, the ACLU of Maryland, and the Juvenile Services Education Program.

We appreciate this Committee's examination of these important education and safety issues and look forward to continued dialogue on this, and other related legislation.

SB 386 - Reportable Offense - Letter of Informatio

Uploaded by: Sam Mathias

Position: INFO

BILL: SB 386
TITLE: Primary and Secondary Education - Definition and Notification of Reportable Offense - Alterations
DATE: February 10, 2025
POSITION: Informational Letter
COMMITTEE: Education, Energy, and the Environment Committee
CONTACT: Sam Mathias, Legal & Policy Services Director
(smathias@mabe.org)

The Maryland Association of Boards of Education (MABE), representing all the state's local boards of education, provides this informational letter for **Senate Bill 386 – Primary and Secondary Education – Definition and Notification of Reportable Offense – Alterations**.

SB 386 alters the definition of “reportable offense” to include offenses that occur in-school in addition to those that occur out-of-school. The bill also corrects a key omission in existing law by explicitly requiring the Department of Juvenile Services to provide information to local school systems.

The Challenge at Hand

The law governing reportable offenses must strike a careful balance among competing priorities, including:

- School and Public Safety;
- The rights of the accused student;
- Student privacy and confidentiality;
- Practical feasibility of implementation;
- The administrative burden of inter-agency communication;
- The responsibility placed on school systems to assess and act on reported information appropriately; and
- The potential negative consequences of excluding students, including long-term educational impacts and stigmatization.

Legislative Landscape

The General Assembly is currently considering ten bills related to reportable offenses, many of which share similar objectives but differ in critical ways: for example, some expand, while others reduce the list of enumerated offenses that should be reportable. Other bills add one or several agencies to the entity list required to report, and still others address new mechanisms for reporting.

MABE respectfully urges the legislature to pause and establish a task force comprised of impacted agencies and stakeholders, potentially including:

- Educators and school administrators, including superintendents;
- Board of education members;
- Representatives from the Maryland State Department of Education;
- Legal professionals and juvenile justice experts;
- Behavioral health and counseling professionals;
- Law enforcement and public safety officials; and
- Parent and student advocates.

The task force could evaluate current law, assess the real-world impact of proposed changes, and develop an evidence-based framework for reportable offenses that (1) establishes a framework that prioritizes school safety while protecting the fundamental rights of students and avoids disproportionately harming vulnerable communities; and (2) Provide a clear, practical guidance for schools on how to interpret and act upon reportable offense information.

Reportable offense laws exist to facilitate communication among law enforcement, agencies, and schools—but they must be designed thoughtfully to prevent unintended harm.

Key Questions and Considerations

The proposed legislation in SB 386 and its related bills raise several fundamental questions that require thoughtful debate:

- Who must share reportable offense information, and who must receive it?
- Where should information sharing be permitted but not mandated?
- What role should schools or external behavioral health professionals, and counseling services play (if any) in response to reportable offenses, and how should that be codified into the law?
- Which offenses should be subject to mandatory reporting due to their potential impact on school safety? Should the treatment of off-campus incidents differ from those occurring on campus?
- How can the framework for reportable offenses prevent misuse or unauthorized or unintended disclosure of sensitive student information?
- What aspects should be left to the Maryland State Board of Education to regulate, and to local boards of education to self-determine, and what should be established as non-negotiable statutory requirements?

SB 386, and the related reportable offense bills before the General Assembly this year, seek to answer *some* of these questions. But no bill or combination of these bills answers each of the above questions, and most importantly, the questions are answered differently across the proposals.

Without clear answers, we risk adopting policies that create more confusion than clarity, or worse, policies that increase administrative burden while failing to effectively serve either school and community safety or student rights effectively.

The Unaddressed Burden on Schools

A meaningful and effective solution requires a collaborative, inclusive, and well-resourced approach—not merely an expansion of mandated reporting requirements. While the ten bills under consideration aim to reshape how reportable offenses are handled, *none fully address the real burden placed on schools: the need to assess, on a case-by-case basis, whether reported information constitutes an imminent threat, and if so, how to balance the imperative of safety with the rights of victims, accused students, and the broader school community.*

Maryland schools need the tools and support to manage reportable offenses in a manner that ensures safety, upholds due process, and provides students with access to the least restrictive educational environment possible.