

**BILL:** House Bill 638  
**TITLE:** Juveniles – Sexual Offenses – Registration and Reporting Requirements  
**DATE:** February 26, 2025  
**POSITION:** Informational Letter  
**COMMITTEE:** Judiciary  
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The Maryland Association of Boards of Education (MABE), representing all the state’s local boards of education, provides this informational letter for **House Bill 638 - Juveniles – Sexual Offenses – Registration and Reporting Requirements**.

House Bill 638 expands the definition of “reportable offense” to include additional statutes for sexual assault. It does not address concerns that some have raised regarding communication among school systems and various agencies, including a gap in reporting between the Department of Juvenile Services and local school systems.

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### ***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 eight 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.

Notably, the General Assembly created the Commission on Juvenile Justice Reform and Emerging and Best Practices (the Commission) last year (HB 814/Chapter 735). As part of that Commission, a 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) 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 MABE staff and board counsel would welcome the opportunity to be part of this work group to help design a solution.

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 House Bill 638 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 school 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?

- How will law enforcement agencies, the Department of Juvenile Services, and other entities know where an accused student goes to school (e.g., when a student is arrested in one county but attends school in another)?
- What sort of data and information will be included and what will be excluded? How can school systems ensure the information they receive is actionable or helpful?
- How will all parties treat adult students (age 19-22), who are often not initially considered to be students by law enforcement?
- How will the law address the various ways that students can leave school beyond graduation and aging out (even sometimes returning to school), and how will that balance with interests of confidentiality and record expungement?
- How can agencies and parties troubleshoot issues related to residency and jurisdiction—for example—when a student is arrested in one county but goes to school in another?

House Bill 638 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 each and every bill.

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.

### ***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 eight 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, how to accommodate each student and potential victim, and in the case of imminent threat, 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. Again, MABE urges the General Assembly to direct a work group to collaborate on a solution that achieves this balance.

Thank you for your attention to this important issue, and we welcome additional dialogue on this and future related bills.