



**Date:** March 5, 2025

**Bill Number/Title:** HB 1265 - Juveniles - Arrests for Reportable Offenses

**Committee:** House Ways and Means Committee

**Board Position:** Favorable with Amendments

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The Juvenile Services Education Board respectfully requests a favorable report with amendments for House Bill 1265.

### **Background & Current Operations**

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. 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 by JSEP.

### **Amendment Language**

If the bill is interpreted to include JSEP as an entity that will both receive and transmit reportable offenses information, JSEP requests the following amendments to clarify its role in sharing confidential reportable offense information:

#### **Amendment 1: Addition of Language to Require Receipt of Records Request**

The proposed addition of the phrase “**upon receiving a records request**” in § 7–303(e)(1) clarifies the responsibility of the Juvenile Services Education Program (JSEP) to transmit records only upon receipt of a records request. Specifically, we request the following language in red text:

“(e) (1) Notwithstanding the provisions of subsection (d) of this section, [nothing shall prohibit a local superintendent or school principal from transmitting] **UPON RECEIVING A RECORDS REQUEST, THE FOLLOWING INDIVIDUALS SHALL TRANSMIT** the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending:”

HB 1265 does not define when or under what circumstances schools must transmit reportable offenses information. Previously, it was at a school's discretion to determine whether and when to provide reportable offense information, so it was not necessary to include language about records requests in the prior version of the bill. Since reporting of reportable offense information by schools is now proposed to be mandatory, and JSEP is included as a mandatory reporter, it is important to incorporate language that mandates a formal records request that triggers the release of any reportable offense information that the mandatory reporter may possess.

Without specific language requiring a records request, JSEP's ability to demonstrate and monitor compliance with the reporting requirement is compromised. By including this language, we aim to clearly define JSEP's responsibility in the record transmission process.

### **Amendment 2: Narrowing the Definition of DJS Student to Only Include Students in Residential Facilities**

JSEP is committed to compliance with mandatory reporting, but it is essential to clarify the scope of students for whom JSEP is responsible. We propose amending § 7-303(e)(1)(III) to read as follows:

“(III) For a student detained or committed to ~~the a~~ Department of Juvenile Services residential facility under § 9-226 of the Human Services Article under Title 3, Subtitle 8A of the Courts Article, the Superintendent of the Juvenile Services Education Program or the Superintendent's designee.”

This amendment clarifies that JSEP's responsibility is limited to transmitting records for students who have been enrolled in JSEP. Furthermore, this change aligns with SB 497/CH 147 of 2021, which tasked JSEP with providing educational services to students in residential facilities (Human Services § 9-501). JSEP does not provide educational services for all students in DJS care. This amendment is essential to ensure that JSEP is mandated to transmit any confidential reportable offense records it may have for students that it actually serves, rather than requiring JSEP to transmit confidential records for students that did not even attend JSEP while in DJS care.

### **Amendment 3: Inclusion of JSEP as a Leading Organization in the Process**

Given that the bill assigns to JSEP, specifically, a central role in the transmission of reportable offense records under this bill, we believe it is essential to include JSEP in the required development of an operational protocol. JSEP is a critical participant in this process and will need to be involved in navigating the major shift in reporting requirements. We propose the following amendment language:

“(a) The Department of Juvenile Services, ~~and the~~ State Department of Education, and the Juvenile Services Education Program in consultation with the Maryland State's Attorneys' Association, ~~the Juvenile Services Education Program~~, the Maryland Chiefs of Police

Association, and the Maryland Sheriffs' Association, shall develop an operational protocol to guide the transmission of information as required under Section 1 of this Act.”

This amendment ensures that all relevant stakeholders are aligned and working collaboratively to address the necessary procedural changes moving forward.

These three amendments are intended to clarify the roles and responsibilities of JSEP in the record transmission process and ensure effective collaboration among all involved parties. We urge you to issue a favorable report with amendments to HB 1265. Thank you for your consideration.

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