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BILL: HB 526

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

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POSITION: Letter of Information

COMMITTEE: House Ways and Means Committee
House Judiciary 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 House Bill 526.

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 provide school administration with important information when making educational placement decisions, ***but we believe more is needed and have outlined some of the issues we believe should be addressed below.***

In light of the numerous, and varied proposals before the Legislature this session regarding Reportable Offenses, we believe a work group should be convened and compelled to make recommendations focused on operational protocols for the dissemination and coordination of information ahead of the 2026 session. We obviously defer to the committees to name any participants to such a work group, but we hope the following organizations would be considered to ensure 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 (PSSAM), the ACLU of Maryland, and the Juvenile Services Education Program.

Notably, almost all of these organizations are members of the Commission on Juvenile Justice Reform and Emerging and Best Practices (the Commission) that was created by the Legislature during the 2024 session (HB 814/Chapter 735). *Therefore, we believe that a subcommittee or work group of this Commission would be the ideal group of stakeholders to dive deep and comprehensively into these issues.* PSSAM staff and legal counsel from our local school systems would be more than willing to help staff this work group along with the staff from the Governor's Office of Crime Prevention and Policy (GOCPP), who are already charged to coordinate the work of the Commission.

PSSAM believes the following issues should be addressed and considered in developing the most effective public policy regarding the implementation of the Reportable Offenses statute.

- 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.

Again, we respectfully request that the Committees direct all entities 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.

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.