

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1546 (Delegate Atterbeary, *et al.*)
Judiciary and Ways and Means

Education - Reportable Offenses - Alterations

This bill alters the definition of a “reportable offense” that is reported to local school officials and the procedures that specified law enforcement officials and local school systems must follow when a reportable offense occurs. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: None. The bill is procedural in nature and has no effect on State governmental finances. The Maryland State Department of Education (MSDE) can prepare the required report with existing resources. No effect on revenues.

Local Effect: The bill is procedural in nature and has no material effect on local government finances. No effect on revenues.

Small Business Effect: None.

Analysis

Bill Summary: A “reportable offense” means any specified offense that is alleged to have occurred off school property and not at an event sponsored by a local school system. To qualify as a reportable offense, a second-degree assault must result in an actual injury. Motor vehicle thefts and specified drug-related offenses are removed from the definition of reportable offense.

If a student’s arrest results in a petition filed in a juvenile court or criminal charges filed in a court exercising criminal jurisdiction over a child, the State’s Attorney *may* notify the local superintendent, school principal, and if appropriate, a school security officer. If the

reportable offense is reported, the Department of Public Safety and Correctional Services (DPSCS) or the Department of Juvenile Services (DJS), as appropriate, must provide prompt notice of the disposition of the reportable offense to the local superintendent or school principal. A local superintendent or school principal may transmit information about the reportable offense to another local school system in which the student has enrolled only if the case resulted in a conviction or adjudication of delinquency (current law) *and* if the child is under the supervision of DPSCS or DJS. The State Board of Education must adopt specified regulations regarding the use of information about reportable offense.

Upon receiving notification that a student has been charged with a reportable offense, a school must immediately convene a student support team to determine whether any change must be made to the student's educational programming and the nature of any change. The school must invite the student and student's parent or guardian to participate in the meeting. If the student has an individualized education program or a Section 504 plan, the appropriate team must be invited to the meeting. The student may not be asked questions about the reportable offense unless the student's counsel is present.

The student support team must consider all options, as specified, for maintaining the student's regular program while mitigating any risk associated with the student's alleged involvement in a reportable offense. The bill specifies the conditions and procedures under which a student may be removed from school following a reportable offense.

A student or the student's parent or guardian may appeal a decision of the student support team to the local superintendent or designee within 10 school days, and the appeal must be decided within 10 days. The decision of the local superintendent or designee may be appealed to the local school board, which must decide the appeal within 10 days.

The bill includes a related reporting requirement for MSDE.

Current Law: Statutory provisions set forth requirements relating to the sharing of information regarding juveniles who have been arrested for "reportable offenses." Reportable offenses include specified violent crimes and various gang-, weapons-, drug-, theft-, and intimidation-related charges; malicious destruction of property; second-degree assault; and auto theft.

If a student is arrested for a reportable offense or an offense related to the student's membership in a criminal gang, the law enforcement agency making the arrest must notify, within 24 hours of an arrest or as soon as practicable, the local superintendent and the school principal. A school security officer must also be notified, for a school with such an officer. The State's Attorney must promptly notify either the local superintendent or the school principal of the disposition of such offenses.

Except by order of a juvenile court or other court on good cause shown, such information is confidential and may not be redisclosed by subpoena or otherwise and may not be part of the student's permanent educational record. However, under current law, a local superintendent or school principal is not prohibited from transmitting this information 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 been enrolled or transferred if the disposition of the reportable offense was a conviction or an adjudication of delinquency or if the criminal charge or delinquency petition is still pending. Information received from DJS may also be transmitted.

The State Board of Education must adopt regulations to ensure that the information obtained is (1) used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment and (2) transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out this purpose. The regulations must ensure that the appropriate educational programming and related services referenced in item (1) be for the social, emotional, and academic development of the student. They must also ensure that the information is destroyed when the student graduates or otherwise permanently leaves school or reaches age 22, whichever occurs first.

“School principal” includes the principal of a nonpublic school. A “local superintendent” includes the superintendent of schools for the Archdiocese of Baltimore or Washington and the Catholic Diocese of Wilmington.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Maryland State Department of Education; Maryland Center for School Safety; Department of Juvenile Services; Department of Public Safety and Correctional Services; Montgomery County Public Schools; Department of Legislative Services

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