



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB0620

Primary and Secondary Education - Reportable Offense - Alteration

Bill Summary

This bill alters the definition of “reportable offense” to be only a crime of violence as defined by the Criminal Law Article. Therefore, law enforcement agencies are subject to notification requirements in current law when they arrest a student only for a crime of violence and not for other crimes currently included in the definition of a “reportable offense.”

Racial Equity Impact Statement

The bill will limit the number of offenses that require law enforcement officers to notify school officials when they arrest a student to only offenses defined as a crime of violence in § 14-101 of the Criminal Law Article. This would reduce the current list of reportable offenses by at least 11 offenses. By way of example, the bill would have reduced the number of offenses reported during the 2022-2023 school year by 41%. Data shows that Black students are overrepresented in arrests for reportable offenses under existing law, and Department of Juvenile Services (DJS) data confirms that Black juveniles are overwhelmingly charged, arrested, and adjudicated delinquent for crimes of violence in the juvenile court. Thus, the bill will likely reduce the overall number of students affected by reportable offense reporting and thereby reduce any associated disciplinary measures. Additional data is needed to understand the exact nature and magnitude of the bill’s impacts on racial equity overall, including demographic data on each of the offenses removed from the reporting requirements as well as data on the public safety effects of the bill and how those relate to the overall equity impacts.

Analysis

The bill would require law enforcement to report arrests of students for only crimes of violence listed in § 14-101 of the Criminal Law Article.

Reportable Offenses

Under existing law, a reportable offense is an offense that (1) occurred off school premises; (2) did not occur at an event sponsored by the school; and (3) includes a crime of violence, as specified in current law, and numerous other specified weapons, drug, assault, and theft-related offenses. When a student is arrested for a reportable offense or an offense related to the student's membership in a criminal organization, the law enforcement agency making the arrest must notify (1) the local superintendent; (2) the school principal; and (3) if appropriate, the school security officer. The law enforcement agency may also notify the State's Attorney.

In 2022, the General Assembly expressed concern about the purported misuse or overuse of school removals for students arrested for a reportable offense. Chapter 742 of 2022 clarifies that a "reportable offense" as it relates to students in public or nonpublic schools is an offense that occurred off school premises and did not occur at an event sponsored by the school. The Act also requires that students accused of reportable offenses be disciplined according to existing State regulations and provides for additional due process accommodations by allowing a student accused of a reportable offense to have an attorney attend the conference between the student or parent and principal or county superintendent.

The Maryland State Department of Education (MSDE) is required to report to the General Assembly annually (on or before December 30 each year) specified information about each reportable offense for which a local school has received information in the previous school year. **Exhibit 1** lists and sorts reportable offenses under existing law based on whether they are defined as a crime of violence under § 14-101 of the Criminal Law Article.

Exhibit 1 Reportable Offenses Under Existing Law

Offenses Included as Crimes of Violence Under § 14–101	Offenses Not Included Under § 14–101
Arson	Burglary
Assault (including assault in the first degree and assault with the intent to murder/rape/rob/commit a sexual offense)	Crimes relating to animals
Attempted arson	Distribution of controlled dangerous substances
Attempted carjacking	Drug possession
Attempted murder	Illegal possession of a firearm
Attempted rape	Malicious destruction of property
Attempted robbery	Manufacturing a controlled dangerous substance
Attempted sexual abuse of a minor	Motor vehicle theft
Carjacking	Obstruction of justice
Home invasion	Wearing or carrying a dangerous weapon (<i>e.g.</i> , firearm)
Manslaughter	Other (include explanation)
Murder (including first and second degree)	
Rape (including first and second degree)	
Robbery	
Sexual abuse of a minor	
Sexual assault	

Source: Maryland State Department of Education

Suspensions and Expulsions in General

In accordance with rules developed by each local school board, a principal may suspend a student for cause for up to 10 school days. The principal must provide the suspended student and the student's parents with a conference during the suspension period and a list of community resources. Upon request by a principal, a local superintendent may suspend a student for more than 10 days or expel a student, subject to investigation, conferencing, and appeal procedures in statute. A student may not be suspended or expelled only for attendance-related offenses but may be subject to in-school suspension for those offenses.

A student who has been suspended or expelled may not return to the classroom until the principal confers with (1) the teacher(s) who referred the student (if appropriate); (2) other appropriate school personnel; (3) the student; and (4) the student's parent or guardian.

If disruptive behavior results in action less than suspension, the principal or designee must confer with the teacher who referred the student prior to the student returning to the teacher's classroom.

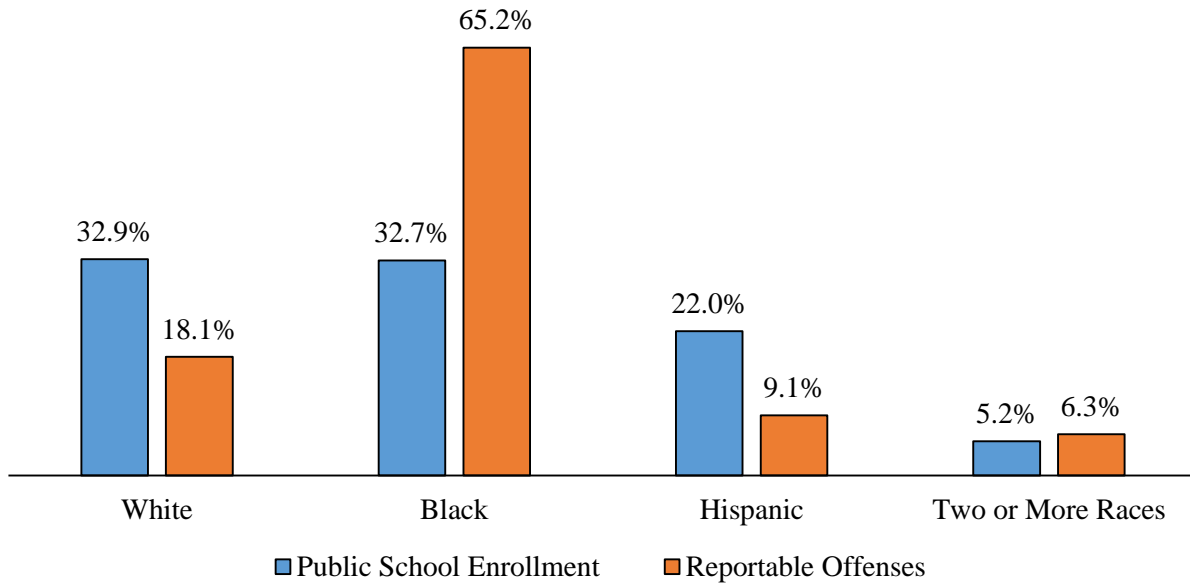
Addressing Disproportionate and Discrepant Impacts of School Discipline

State regulations require MSDE to develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students. MSDE may use the discrepancy model to assess the impact of discipline on special education students. The discrepancy model uses a risk ratio of 3.0 as the threshold for determining whether disproportionality exists; a risk ratio of 3.0 means that a target population (*e.g.*, Black males) is three times more likely than a control population (*e.g.*, all other males) to be identified for special education services or disciplined in some manner. A risk ratio greater than 1.0 indicates overrepresentation. If MSDE identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system must prepare and present to the State board a plan to reduce the impact within one year and eliminate it within three years. A local school system must report its progress annually to the State board.

Impacts of the Bill

Black juveniles are overrepresented in on-campus and off-campus arrests for reportable offenses as defined under existing law. MSDE reported 986 reportable offense incidents during the 2022-2023 school year. Reportable offense incidents refer to events during which one or more reportable offenses are reported. Of these incidents, 65% involved Black students, 18% were white, 9% were Hispanic, and 6% involved students of two or more races. Asian, American Indian or Alaskan Natives, and Native Hawaiian/Pacific Islanders accounted for less than 2% of the total. **Exhibit 2** shows the racial and ethnic breakdowns for reportable offenses compared to each group's share of the State's public school population during the same time period.

Exhibit 2
Reportable Offenses and Public School Enrollment
by Race and Ethnicity
2022-2023 School Year



Source: Maryland State Department of Education

MSDE also tracks arrests that occurred as a result of a referral of a student by school personnel to law enforcement or to DJS for a disciplinary offense that occurred on school grounds or during off-campus activities, including transportation to and from school. **Exhibit 3** shows the racial and ethnic breakdown of on-campus school arrests during the 2022-2023 school year compared to enrollment data. Offense categories include sex offenses, weapons violations, threats, serious bodily injury, fighting, and alcohol and drug violations. The data shows 57% of arrestees were Black students, 25% were white, 9% were Hispanic, and 8% were students of two or more races. Asian, American Indian or Alaskan Natives, and Native Hawaiian/Pacific Islanders account for less than 2% of the total.

Exhibit 3
School Arrests and Public School Enrollment
by Race and Ethnicity
2022-2023 School Year

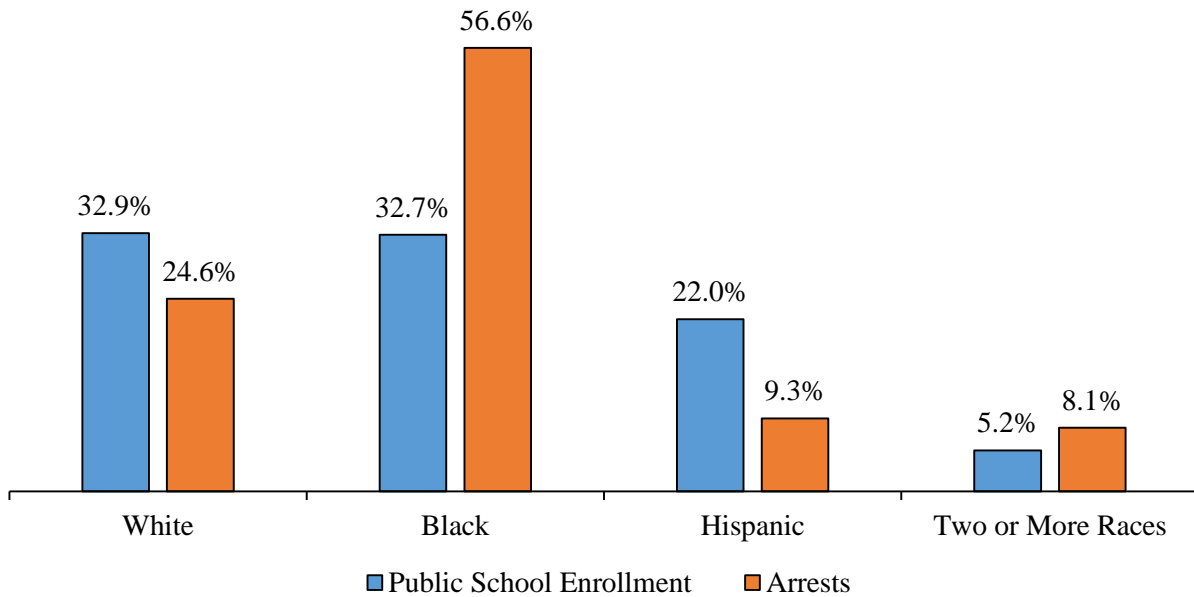


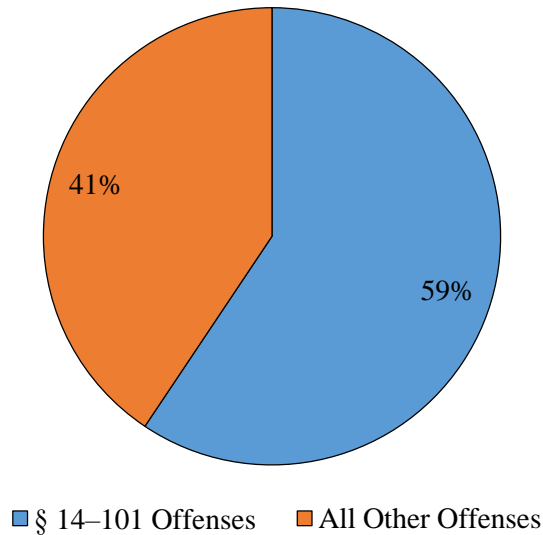
Exhibit 4 shows the breakdown of reportable offenses for the 2022-2023 school year grouped by crimes of violence as defined under the bill versus those offenses not covered by the bill. It is important to note that one reportable offense incident could have several offenses associated with it. For example, a student who is charged with burglary may also be charged with drug possession (a second offense) as part of the one incident. Despite the incident resulting in multiple charges for multiple offenses, MSDE considers it a singular reportable offense incident.

The data shows that 986 singular reportable offense incidents involved a total of 1,231 offenses. Of those offenses, 500, or 41%, were for crimes that did not fall under the crimes of violence definition stipulated in § 14-101 of the Criminal Law Article. Under the bill, those offenses would not be included as crimes that are subject to the notification requirements under current law.

The MSDE data does not provide demographic information to determine the racial makeup of the juveniles responsible for crimes of violence versus all other offenses, but DJS intake data demonstrates that Black juveniles are significantly overrepresented in both intakes and adjudications for crimes of violence. In fiscal 2024, DJS reported a total of 2,482 intakes for charges relating to crimes of violence, with youth of color accounting for 88% of this total and 89% of adjudications of delinquency by the juvenile court. DJS does not currently distinguish between racial minorities in its offense reporting, thus the offense data groups all racial minorities into the youth of color category. Black juveniles do, however, make up a significant portion of the youth of color category as DJS does partially breakdown the category for total intakes. DJS data

from fiscal 2022 through 2024 shows that Black juveniles made up 85% of total youth of color intakes.

Exhibit 4
Reportable Offenses under the Bill
2022-2023 School Year



Source: Maryland State Department of Education; Department of Legislative Services

Conclusion

Arrest data from MSDE confirms significant disparities among racial groups arrested for reportable offenses both on and off-campus, particularly for Black students. Additionally, there is substantial evidence that Black juveniles are overwhelmingly charged, arrested, and adjudicated for crimes of violence specifically. Based on the data that is reported, it is likely that the bill's alteration of the definition of reportable offenses would result in an overall reduction of any associated discipline or programmatic changes to a student's education program. Additional data would be needed to understand the specific impacts for students and the magnitude of those impacts, including data regarding the racial and ethnic distribution of individual reportable offense incidents.

Removing offenses from the reporting requirements could also affect public safety and limit needed support from school staff and officials who may not be aware of a student's behavioral issues. The overall equity impacts of this bill encompass weighing the public safety impacts on the student population as well as the quality and extent of the support, intervention, and restorative practices provided by a school for students arrested for reportable offenses under existing law. Additional data would be needed to understand the interplay between these considerations.

Information Sources: Department of Juvenile Services; Maryland State Department of Education; Department of Legislative Services

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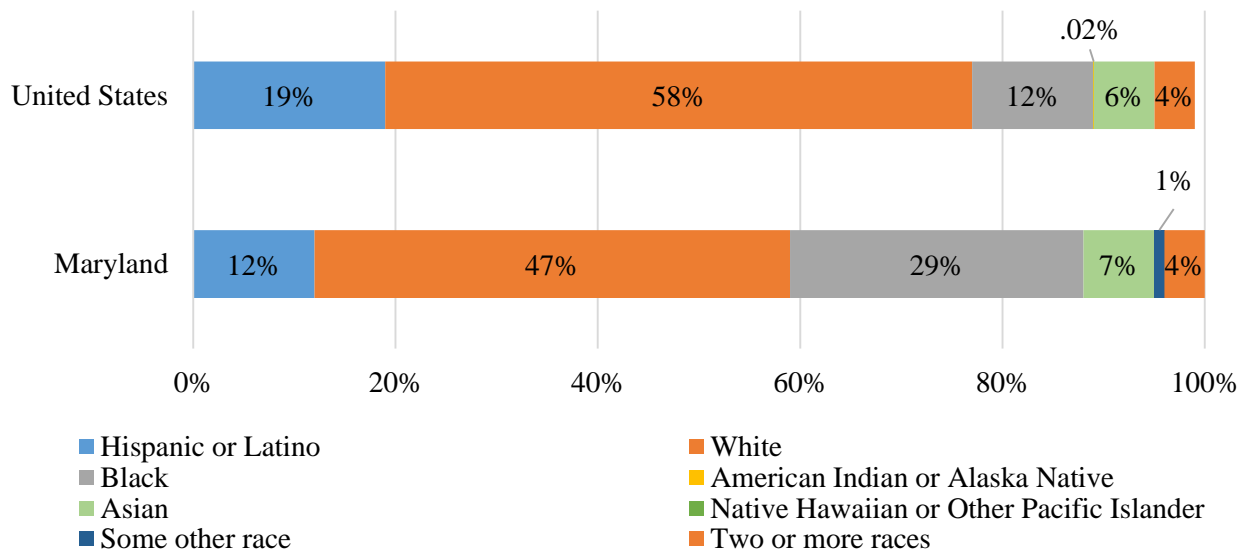
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.