

BILL: House Bill 867
TITLE: Juveniles – Reportable Offenses
POSITION: SUPPORT
DATE: February 21, 2019
COMMITTEE: Judiciary Committee
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The Maryland Association of Boards of Education (MABE) supports House Bill 867 because it is needed to ensure that the Department of Juvenile Services (DJS) communicate with local school systems by transmitting information relating to a student having been arrested for a reportable criminal offense.

The reportable offense statute ensures that law enforcement agencies and State’s Attorney’s offices communicate with school systems regarding the arrest of students for certain crimes and the disposition of such charges. Reportable offenses include an extensive list of crimes of violence, sexual offenses, and weapon and drug offenses. (See attached list.)

MABE believes that passage of House Bill 867 will help ensure that school administrators are provided with the appropriate information from DJS regarding a student’s reportable arrest record. This information may play a pivotal role in assisting the school system in meeting the educational and behavioral needs of the student transferred from DJS, as well as assisting the school system in making school assignment, transportation and other operational decisions in the best interests of the education and safety of all students.

Under current law, upon receipt of information of an arrest of a student for a reportable offense, the superintendent must provide the principal of the school in which the student is enrolled with the arrest information, including the charges. Upon the recommendation of the principal of the school attended by the student charged with a reportable offense, the superintendent may assign the student to an alternative education placement. In addition the student may be disciplined. However, whether a student may be disciplined by the school for conduct off school premises, including arrest for reportable offenses, is based on evidence that the student’s involvement in the offense and the student’s presence in school has a direct effect on the order and general welfare of the school.

The reportable offense statute also requires that school superintendents respond to notices of a reportable offence by providing appropriate educational programming and related services to the student committing the offense and to maintain a safe school environment. State Board of Education regulations adopted in accordance with the statute further require that the superintendent promptly notify the school principal, who must in turn meet with staff to immediately develop a plan that addresses the student’s educational needs while ensuring school safety (COMAR 13A.08.01.17).

The Safe Schools Act of 2010 added the requirements that law enforcement contact the superintendent, principal and school security officer and that this transmitted information be destroyed by the school system when the student graduates or otherwise permanently leaves the school or turns 22, whichever occurs first. Legislation enacted in 2011 directed the Maryland State Department of Education and the Department of Juvenile Services to work cooperatively and authorizes them to “share education records with each other when necessary to ensure the appropriate delivery of services” (Senate Bill 62, Chapter 16, 2011 Laws of Maryland; amending § 22-209 of the Education Article).

For these reasons, MABE requests a favorable report on House Bill 867.