

BILL: House Bill 146
TITLE: Education – Reportable Offenses and Student Discipline – Alterations
DATE: February 3, 2022
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
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The Maryland Association of Boards of Education (MABE) opposes House Bill 146 because it would eliminate most mandatory notifications to school systems of student criminal behavior, including all arrests, and at the same time impose new requirements for school systems in the cases in which a State’s Attorney opts to provide notification only after the student’s conviction.

The reportable offense statute is intended to ensure that law enforcement agencies and State’s Attorney’s offices communicate with school systems at the time of arrest of students for specified crimes and then following the disposition of such charges. Reportable offenses include an extensive list of crimes of violence, sexual offenses, and weapon and drug offenses. MABE certainly appreciates the interests of all parties involved in carrying out their responsibilities under the reportable offence statute to communicate and provide programmatic response in the best interests of the student committing the offence. But another key facet of the law is to ensure that the school system is informed and can respond accordingly to ensure the safety of all other students and staff following the arrest and before adjudication.

MABE opposes this bill because it would repeal, in its entirety, the mandatory notice of arrests by local law enforcement agencies to local school systems. House Bill 146 would convert the current system of prompt notifications into a process for providing very limited notifications to schools of the final disposition of criminal cases involving students. Specifically, the bill would allow, but not require, a State’s Attorney to notify a school system of cases in which a student has been adjudicated delinquent or convicted.

Again, no provisions of current law referring to notification of arrests for even the most serious violent offenses are retained under House Bill 146, and the bill clearly provides that the only time notification is mandatory is upon incarceration or the student’s placement in care of the Department of Juvenile Services. MABE’s strong opposition to this bill is grounded in the strong support of local boards for preserving prompt communication between law enforcement and school administrators. MABE believes this communication is needed to inform prompt responses by school administrators to benefit individual students and the entire school community.

By contrast, local boards also support additional resources and the continuous improvement of the quality and scale of programs for students experiencing arrest, and their schools and communities. MABE looks forward to provisions of the Blueprint for Maryland’s Future that contribute to improving student services, and to improvements and expansions in diversionary programs and restorative alternatives to incarceration. However, these initiatives are not contained in House Bill 146.

Therefore, MABE urges an unfavorable report on House Bill 146 because it would:

- Remove the mandatory notice to the school system of any student arrest;
- Remove the mandatory role for the State’s Attorney to notify the school system of the disposition of a student’s criminal case; and
- Only require mandatory notification of the disposition of cases by corrections or juvenile services officials.