

What We Have Learned So Far About Reportable Offenses

Maryland's reportable offense statute requires law enforcement and prosecutors to notify schools when youth are arrested for certain serious offenses. The goal is school safety, but in practice the process is fragmented, inconsistently applied, and causing real harm — particularly prolonged school exclusion for youth whose cases are later dismissed or never adjudicated.

Based on the meetings held on **February 13, 2026**, and **March 20, 2026**, the Workgroup has established a baseline of data, developed an initial understanding of how reportable offenses function across systems, and identified significant systemic gaps in the implementation of the reportable offense statute

What We Have Learned and From Whom

1. System Scale, Flow, and Outcomes

John Irvine (DJS, Director of Research & Evaluation) presented the first-ever DJS data pull on reportable offenses:

- Nearly 2,000 complaints in FY2025, representing ~15% of all DJS complaints
- 92% involved youth of color — even more disproportionate than DJS's overall complaint rate (78%)
- The largest offense categories: robbery (36%), robbery with a deadly weapon (20%), handgun misdemeanors (16%)
- 28% started as adult charges transferred down to juvenile court — far higher than the 4.6% rate for all complaints
- 70% were not detained initially; of those detained, 25% ended up with no probation or commitment order — meaning they returned to school with no DJS case manager and no formal disposition
- School enrollment data from the intake decision tool was only available for ~66% of cases and had significant gaps; most known cases showed youth were enrolled full-time before arrest

Kara Aanenson (DJS) explained DJS's legal constraints on information sharing:

- Cannot share police reports, detailed allegations, prior records, or behavioral health information with schools
- Can only share limited, need-to-know information when it directly affects school attendance, safety, or a court order (e.g., no-contact orders)
- Identified a key gap: law enforcement notification to schools is inconsistently implemented across jurisdictions — some counties notify within days, others never do

2. School System Implementation and Operational Reality

Christina Krabitz & Robin Knight (Howard County Public Schools / HCPSS) provided the LEA perspective:

- HCPSS handles ~250 reportable offenses annually
- They receive police notifications an average of 3–4 weeks after arrest — far from the 24-hour best practice standard in COMAR
- Developed a structured 10-day internal process: a student folder with 4 documents (notification, confidentiality form, step-by-step process guide, safety plan template)
- Of 250 cases, only 15 required a hearing last year; 25 had active safety plans — most are managed at the school level without formal removal
- Virtual school is only mandated when a student brings a firearm onto school property
- Introduced their "Passages" program: a central-office-based, in-person transition program for students returning from detention or commitment, combining academics in the morning and intervention (anger management, conflict resolution, mentoring) in the afternoon; students typically return to a school placement within one quarter
- Critical need: no advance notice when detained students are released — schools often learn when the student shows up

Maria Navarro (Charles County schools) noted significant variance across similarly-sized counties (e.g., Carroll had 8 complaints, Charles had 55, Washington had 15) — likely driven by demographics, school resource officer agreements, and charging practices.

Yolanda Holloway (JSEP board member) shared that her district has only virtual education as an alternative option due to funding cuts, with 6 hours/week of in-person tutoring for students with IEPs or 504 plans.

3. Education Impact and Legal Process Reality

Geoff Sanderson & Mary L. Gable (MSDE) presented three years of statewide school-side data:

- Data collection only began after 2022 legislation — no baseline from before
- 142 total placements statewide across three years
- Virtual school was the most common placement option
- Average length of removal increased year-over-year: 61 days (2023) → 72 days (2024) → 77.6 days (2025)
- Range across counties: 1 school day (Frederick) to 126.6 days (St. Mary's)
- GPAs during removal ranged from 1.16 to 1.37 — below a C average
- Top offense leading to removal: assault; second: malicious destruction of property (often a secondary charge bundled with assault, not a standalone removal trigger)

- Data reliability is severely limited by inconsistent LEA reporting — described by Maria Navarro as making the data "meaningless" due to different local agreements with law enforcement

Alyssa Fieo & Abbie Flanagan (OPD Education Unit) provided a defense-side legal analysis:

- Maryland was suspending 10% of its students in the early 2000s; 2014 regulations established that exclusion requires an "imminent threat of serious harm" — the reportable offense statute must meet this same standard
- The statute has grown to 60+ reportable offenses, which OPD considers difficult for school systems to navigate
- Black students make up 64% of reportable offense cases but 37% of the statewide student population; students with disabilities account for 32% of cases but only 14% of the population
- The imminent threat standard is often not applied with fidelity: removal letters show students removed for years, conditioned on being "found innocent" or completing probation — which OPD argues is illegal
- Schools are conducting School Team Conferences inappropriately — asking students to admit guilt or show remorse, despite new MSDE guidance against this
- Placing students with IEPs in virtual settings as a disciplinary measure is argued to violate the Least Restrictive Environment (LRE) provision of federal special education law
- Defense attorneys are often not assigned until after removal has already been determined
- OPD's core concern: the reportable offense process has become a re-adjudication by schools — a second punishment — rather than a genuine safety determination

Deducing the Reportable Offense Process

From the presentations, we can deduce a fragmented, non-standardized process consisting of the following stages:

Stage	Actions & Issues Identified
1. The Incident	Occurs off-campus; involves one of 60+ mandated offenses.
2. Initial Notification	Law enforcement is supposed to notify the school within 24 hours. In practice, notifications often take 3 weeks to 4 months or don't happen at all, leaving students in school without support or safety plans.
3. School Care Team	Schools must hold a School Team Conference to determine if a safety plan can keep the student in their comprehensive school. Schools must assess whether an "imminent threat of serious harm" exists. In practice, the quality of this assessment varies widely; some schools skip directly to recommending removal.
4. Imminent Threat Determination	If a safety plan is deemed insufficient, the superintendent's designate must hold a conference within 10 days to determine if the student poses an "imminent threat". In practice, some districts apply near-automatic removal, especially for firearms charges.
5. Placement/Removal	Students are moved to virtual school, evening school, or (rarely) an alternative school. In practice: virtual school is the most common statewide placement, with wide variation in contact hours and

	quality; some counties offer only virtual.
6. Disposition Notification	State's Attorneys are required to notify LEAs of court outcomes. In practice: notification is inconsistent; 25% of detained youth end up with no disposition at all; students "linger" in alternative placements long after their cases are dismissed.
7. Re-entry	For committed students, DJS typically coordinates re-entry. In practice, for detained-and-released students, schools often have no advance notice — students simply show up.
8. Transfers to another school system	A confidentiality form or other trigger should follow the student. In practice, this often fails, especially for out-of-state transfers where DJS is the only connection point.