



Empowering People to Lead Systemic Change
The Protection and Advocacy System for the State of Maryland

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DisabilityRightsMD.org

SENATE EDUCATION, ENERGY & ENVIROMENT COMMITTEE

HOUSE BILL 1265: EDUCATION- REPORTABLE OFFENSES AND PROHIBITED
BEHAVIOR ON SCHOOOL GROUNDS- ALTERATIONS

DATE: March 27, 2025

POSITION: SUPPORT

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM is a leader in Maryland's educational advocacy community, working on issues such as school discipline, special education, and restraint and seclusion. DRM has significant experience representing students with disabilities statewide who have been suspended or expelled from school or are involved in the juvenile justice system.

DRM supports House Bill 1265, which reduces the number of charges considered reportable offenses and eliminates the Education Article provision that allows students to be criminally liable for "disturbing school activities or personnel." HB 1265 promotes a more equitable and supportive educational environment for all students, particularly those with disabilities.

The bill aligns the reportable offense statute with Maryland law's emphasis on keeping students in school and utilizing removals as last-resort options. By narrowing the definition of reportable offenses to primarily include crimes of violence, HB 1265 comports with COMAR 13A.08.01.11(B)(2)(a), which specifies that students should remain in school unless they pose an imminent threat of serious harm to others. Moreover, by narrowing the definition of reportable offenses, HB 1265 will help limit the disproportionate removal of students with disabilities from their regular school program. This is crucial, considering that in 2024, despite comprising only 12% of



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the student population, students with disabilities accounted for 39% of students with reportable offense incidents.¹

HB 1265 also removes an outlier provision in the Education Article that allows students to be criminally liable for “disturbing school activities or personnel.” Students with disabilities are disproportionately charged with this offense—they are 3.2 times more likely to face such charges than their non-disabled peers.² Removing the possibility of arrest and criminal charges for this overly broad and vague category of behavior is essential, as behaviors related to students’ disabilities may be misconstrued as disruptive.

Disability Rights Maryland is dedicated to ensuring that students with disabilities receive a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). Reducing the number of reportable offenses and preventing the arrest and criminal charging of students for "disturbing school activities or personnel" aligns with these goals. Therefore, DRM supports House Bill 1265.

¹ Reportable Offense Data: Maryland Public Schools, School Year 2023-2024 (Dec 30, 2024) Retrieved at: [https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303\(j\)_2024.pdf](https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303(j)_2024.pdf)

² Disability Rights Maryland received this data point from the Department of Juvenile Services pursuant to a Public Information Act Request.