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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 1265 - Education - Reportable Offenses and Prohibited Behavior on School Grounds - Alterations

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 27, 2025

The Maryland Office of the Public Defender respectfully requests a favorable report on House Bill 1265, a compromise piece of legislation which will reduce the number of reportable offenses and clarify the original intent of the law prohibiting disturbing school operations.

Originally introduced in 1995, the concept of "reportable offenses" aimed to provide schools with additional information to maintain school safety. At the outset, only a focused number of offenses were categorized as reportable offenses.¹ However, over time the law expanded, with additional offenses being added incrementally resulting in the current law that unnecessarily burdens law enforcement, school administrations, and the legal system by mandating reporting for a wide range of offenses that generally have no direct impact on the safety of a student in the school environment. Each notification requires investigation and resources, diverting attention from more pressing concerns. Additionally, the inconsistent application of the law leads to confusion and uneven enforcement.² House Bill 1265 seeks to narrow the list of reportable offenses, focusing on those that more directly affect student safety, allowing schools to allocate resources to situations worthy of a legitimate safety inquiry.

¹ Crimes of violence as defined in Article 27, § 643B of the Criminal Code; crimes outside the jurisdiction of the Juvenile Court as defined in §3-804(E)(4) of Courts and Judicial Proceedings; and various handgun charges.

² See WBFF Fox45 Baltimore, *In Depth: Are all reportable offenses reported to schools as required by law?*
<https://www.youtube.com/watch?v=eREZ5c5YM4c>

House Bill 1265 also takes steps to address current racial disparities. Maryland continues to struggle with the overcriminalization of Black youth, who are disproportionately impacted at every stage of the legal process,³ including reportable offenses.⁴ The Maryland State Department of Education 2023-2024 Reportable Offense data reveals that Black youth are 4.1 times more likely to be reported to their school for a reportable offense than their white peers.⁵ The Maryland Office of the Public Defender advocates for any opportunity to reduce the exposure of Maryland's youth to harmful bias-based decision-making. By reducing the number of reportable offenses, House Bill 1265 represents a key step in addressing these racial disparities, while still allowing schools to receive relevant information to make informed decisions about student safety.

House Bill 1265 also aims to clarify the original intent of Maryland Code, Education Article §26-101, which prohibits disruption of school operations, to prevent it from being used against students to criminalize typical childhood and adolescent behavior in schools. Currently, this statute is being misused to charge students for common school disruptions, such as temper tantrums or minor altercations, pulling them unnecessarily into the youth legal system. House Bill 1265 would correct this by ensuring that students are not charged under this vague statute for behaviors that should be handled through school discipline and support systems.

The statute's misuse has led to harmful consequences for students, especially those from marginalized communities. Data from the Maryland State Department of Education and the Department of Juvenile Services shows that Black students and students with disabilities are disproportionately arrested and charged under this statute. The vagueness of the law has resulted in random and inappropriate applications, criminalizing normal adolescent behavior. Maryland's school systems already have effective tools in place to address disruptions through behavior interventions and support plans, making criminal charges unnecessary.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 1265.

³ See Governor's Office of Crime Prevention and Policy, Maryland's Racial and Ethnic Disparities Plan for Federal Fiscal Year 2024, https://gocpp.maryland.gov/wp-content/uploads/Final-Draft-FY24-R_ED-Plan.pdf.

⁴ See Maryland State Department of Education, Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024 (Maryland Reportable Offenses Data), 18 (December 30, 2024), [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).

⁵ *Id.*

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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