

HB 1265 favorable - MOPD.pdf

Uploaded by: Abbie Flanagan

Position: FAV



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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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HB 1265 CRSD 2025.pdf

Uploaded by: Kelly Quinn

Position: FAV

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE EDUCATION, ENERGY & ENVIRONMENT COMMITTEE

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

DATE: MARCH 27, 2025

POSITION: SUPPORT

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland's public school systems. CRSD is committed to the fair and equitable treatment of ALL students, including pregnant or parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for ALL students. **CRSD supports House Bill 1265**, which would reduce the number of charges which will be considered reportable offenses and eliminates the Education Article provision that allows students to be criminally liable for "disturbing school activities or personnel."

This bill is necessary for a number of reasons. Overuse of school removal, especially in circumstances where a student poses no safety concern, harms school climate and hinders achievement for all students. Bias at every level of the criminal legal system leads to reportable offenses being disproportionately used against Black students. This bill focuses the reportable offense statute to the offenses that communities are most concerned about.

Maryland law is that students stay in school unless they pose an imminent threat of serious harm to others.¹ What this bill does is ask, what offenses may raise concerns about whether a student is safe to be in school and says those are the incidents schools should hear about. This is what the reportable offense law was always intended for. This bill removes the requirement for officers to report on crimes that do not impact school safety. Most of the offenses it removes are property crimes—property damage and motor vehicle theft—which do not indicate whether a student would be a threat to other students or staff. The question has to be, do the crimes reported to schools help schools determine whether or not a student poses a risk of serious harm to others.

¹ COMAR 13a.08.01.11(B)(2)(a).

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

Research shows that overuse of suspension and other forms of school pushout harm students and the school community at large.² All educators and advocates aim to foster schools where students learn in a safe environment and in community with others. To that end, it is the policy of Maryland's Board of Education that school removal is a last-resort option that should be limited to the furthest extent possible.³ Overuse of reportable offenses runs counter to this policy goal.

Decades of research shows that, in punitive systems where discretionary decisionmaking is a key facet, those discretionary decisions result in racial bias.⁴ These disparities show up in full force in the use of reportable offenses in Maryland beginning even before arrest where Black children are subject to increased police contact, more stops by police, and increased police violence.⁵ ⁶ This leads to Black children being more than 2.5 times more likely to be arrested than white children.⁷ These layers of bias culminate in Black students being 4.1 times more likely to be reported to their school for a reportable offense than white students.⁸ This is a greater disparity than that of arrests, suggesting that officers and prosecutors make discretionary decisions to report Black students to their schools for reportable offenses.

The final discretionary step in this process is the decision to remove a child from school, where racial disparities appear yet again, with Black students being 3.0 times more likely to get suspended than white students.⁹ Such disparities cannot be explained by different rates of student

² Daniel J. Losen, *School Discipline What the Research Tells Us: Myths and Facts*, National Education Policy Center (Oct. 5, 2011) ("There is no evidence that frequently suspending disruptive students improves learning. In fact, schools with high suspension rates tend to have lower academic achievement, even after controlling for demographics.").

³ COMAR 13a.08.01.11(A) ("[School discipline policies shall] . . . Be designed to keep students connected to school . . . and Explain why and how long-term suspensions or expulsions are last-resort options.").

⁴ Nazgol Ghandnoosh, Ph.D. and Celeste Barry, *One in Five: Racial Disparity in Imprisonment — Causes and Remedies*, The Sentencing Project (Dec. 7, 2023) (showing racial bias present at various discretionary decision points, including parole decisions, sentencing, prosecution, and others).
<https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>.

⁵ Douglas Young, Christina Yancey, Sara Betsinger, Jill Farrell, *Disproportionate Minority Contact in the Maryland Juvenile Justice System*, University of Maryland College Park Institute for Governmental Service and Research (January 2011) ("African American youth are particularly subject to disparate levels of contact and are also significantly overrepresented at arrest (2.54), referral to DJS intake (2.44), and the case petitioning stage (1.41)").

⁶ Emanuella Grinberg, *Racial bias pervasive among Baltimore police, DOJ says*, CNN (Aug. 10, 2016) ("A Justice Department investigation found that the Baltimore Police Department engages in unconstitutional practices that lead to disproportionate rates of stops, searches and arrests of African-Americans, and excessive use of force against juveniles and people with mental health disabilities.").

⁷ See *supra* note 4.

⁸ MSDE Division of Student Support and Federal Programs and Division of Assessment, Accountability, Performance Reporting & Research, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024* (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).

⁹ MSDE Division of Assessment, Accountability, Performance Reporting & Research, *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2023-2024* (December 2024)
<https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>.

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

misbehavior, as studies have shown that all students misbehave at roughly the same rate.¹⁰ While poverty is correlated with increases in disruption and behavioral disorders, those relationships do not explain the great discipline gap between white and Black children.¹¹ The discipline gap remains even when all other variables are removed. For the same infraction in similar circumstances, a white student is significantly less likely to be disciplined than a Black peer.

This bill, through its limitations on reportable offenses and the removal of the Education Article provision that allows for the criminalization of students for “disturbing school activities or personnel,” strikes a balance between addressing safety concerns related to crime in schools and preventing the safety risks associated with school environments characterized by fear, intimidation, and isolation.

For these reasons, CRSD **supports HB 1265**.

For more information, please contact:

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¹⁰ *Maryland Commission on the School-to-Prison Pipeline and Restorative Practices Final Report and Collaborative Action Plan* (Dec. 2018), <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>.

¹¹ Nathan Barrett et al., Technical Report: Disparities in Student Discipline by Race and Family Income, Education Research Alliance for New Orleans (Jan. 2018), <https://educationresearchalliancenola.org/files/publications/010418-Barrett-McEachin-Mills-Valant-Disparities-inStudent-Discipline-by-Race-and-Family-Income.pdf>.

3.27.25 JSEP Testimony HB 1265.pdf

Uploaded by: Kimberly Pogue

Position: FAV



Date: March 27, 2025

Bill Number/Title: HB 1265 - Education - Reportable Offenses and Prohibited Behavior on School Grounds - Alterations

Committee: Senate Education, Energy, and the Environment

Board Position: Favorable with Amendments

The Juvenile Services Education Board respectfully requests a favorable report to House Bill 1265, as amended by the House.

Background & Current Operations on Records

In 2021, the Maryland General Assembly passed SB 497/CH 147, which created the Juvenile Services Education Board and Program (JSEP). This law transferred the responsibility for educating youth in the custody of the Department of Juvenile Services (DJS) from the Maryland State Department of Education (MSDE) to the newly established, independent JSEP Board.

Currently, the Juvenile Services Education Program (JSEP) neither receives nor transmits any reportable offense records, and it is prohibited from doing so under Md. Code Ann., Cts. & Jud. Proc. Sec. 3-8A-27(b)(1). JSEP does not store, record, request, or transmit any information regarding a student's alleged criminal activity. JSEP does not currently receive reportable offense information from law enforcement, State's Attorney's offices, other school systems, or any other source.

Not all young people in the care of DJS are JSEP students. A young person is considered a JSEP student only when in DJS custody in one of eight DJS residential facilities in the state. While students are enrolled in JSEP upon entering a facility, students who are enrolled in a public school at the time they are taken into custody are dually enrolled in both a public school and JSEP until after the disposition of the student's case under Md. Code Ann., Human Services Article Sec. 9-604(a)(2).

When a student enrolls in JSEP, a JSEP records clerk requests educational records from the student's previous school by submitting a records request form. JSEP records clerks receive the following educational records: Maryland Student Exit Record for all schools attended; academic transcripts; current school year grades standardized test results; assessment results; the student's State Assigned Student ID (SASID); birth certificate; immunization records; and, if applicable, past Individual Education Program (IEP) plans, Section 504 Plan, and Home Language Survey. The previous school is, under Md. Code Ann., Educ. § 8-504(b)(3), required to send this information within three school days following receipt of the request.

Once a student is released, JSEP works with the DJS Educational Transition Unit to enroll the student in school and secure community resources and support. In order to transmit educational records to a school that a student has enrolled in once released, the school must request these records from JSEP in writing. Records are only transmitted upon receiving a records request. JSEP records clerks then securely transmit these records to the school.

It is important to note that the average time a student is with JSEP is 40 days. Many of the students in JSEP are over-aged and under-credited, reflecting systemic challenges that disproportionately affect youth involved in the justice system. In FY 24, approximately 80 percent of JSEP students identified as African American, and 91 percent were male—groups statistically overrepresented in the justice system and underrepresented in post-graduation education and career opportunities. Additionally, 30 percent of JSEP students were identified as requiring special education services, a figure significantly higher than the Maryland state average of 12 percent.

JSEP's policy is that the young people who are educated through JSEP are students first. We remain committed to protecting student's confidential information, and we ask the Committee to review the bill's language and clarify how confidential juvenile records, i.e. reportable offense records, are to be received and transmitted.

Position on HB 1265

The Board respectfully requests a favorable report on HB 1265, as amended by the House. While the language of the three amendments the Board proposed to the House were not directly included, the language in the House version of the bill clarifies that JSEP is not directly responsible for transmitting reportable offense information, which is in line with current practice. The Board is committed to maintaining the confidentiality of student records.

Contact: Kimberly Pogue, JSEP Superintendent, kimberly.pogue@maryland.gov

HB 1265 PJC Written Testimony.pdf

Uploaded by: Levi Bradford

Position: FAV



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

Hearing before the Senate Committee on Education, Energy, and the Environment, March 27, 2025

Position: FAVORABLE

The Public Justice Center (PJC) is a nonprofit legal services organization which advocates for social justice, and economic and racial equity in Maryland, including by upholding the rights of historically excluded and underserved students through individual representation, community outreach, and systemic advocacy. The PJC's Education Stability Project is committed to making discipline responsive to students' behavioral needs, fair, and designed to keep youth on track to graduate.

PJC strongly supports HB 1265 as it focuses the reportable offense statute on offenses that pertain to school safety and reduces the amount of resources wasted on incidents which do not impact school safety. Further, passing HB 1265 will reduce egregious racial disparities in the school-to-prison pipeline.

In advice to school administrators, school safety experts Christine A. Eith and Kenneth S. Trump criticized safety-improvement tactics that made people *feel* safer but failed to substantively improve school safety: "Educators should pause to examine whether they are striving to make people feel safer or making schools safer."¹ Overuse of the reportable offense statute is one of these methods, that may give the impression of improving safety, but do not in fact do so. Research shows that overuse of suspension and other forms of school pushout harm students and the school community at large.² What the research does support is a change in perspective when it comes to school safety and "focusing on safety as an environment that is free of fear, intimidation, violence and isolation."³

Over and over again, research tells us that, when a legal system calls for discretionary decision making, racial bias will result.⁴ In Maryland, the reportable offense process demonstrates this bias at every step. Even before

¹ Christine A. Eith and Kenneth S. Trump, *A Holistic Approach to School Safety*, School Administrator, 43–47 (April 2019) <https://www.schoolsecurity.org/wp-content/uploads/2019/10/A-Holistic-Approach-to-School-Safety-April-2019.pdf>.

² Daniel J. Losen, *School Discipline What the Research Tells Us: Myths and Facts*, National Education Policy Center (Oct. 5, 2011) ("There is no evidence that frequently suspending disruptive students improves learning. In fact, schools with high suspension rates tend to have lower academic achievement, even after controlling for demographics.").

³ See *supra* note 1 at 45.

⁴ Nazgol Ghandnoosh, Ph.D. and Celeste Barry, *One in Five: Racial Disparity in Imprisonment – Causes and Remedies*, The Sentencing Project (Dec. 7, 2023) (showing racial bias present at various discretionary decision points, including parole). *The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

arrest, Black children experience more police contact, stops by police, and police violence.⁵ ⁶ Because of this, Black children are 250% more likely to be arrested than white children.⁷ These layers of bias compound, leading to Black students being 410% more likely to be reported to their school for a reportable offense than white students.⁸ The data shows that the disparity in reportable offenses is greater than the disparity of arrest, which suggests that officers and prosecutors are making discretionary decisions to report more Black students to their schools for reportable offenses than white students.

After all this bias has fundamentally impacted the experience of a Black student in Maryland, racial disparities appear yet again in one of the major processes that create the school-to-prison pipeline: the discretionary decision to remove a student from school. Black students being 300% more likely to get suspended than white students.⁹ Such disparities cannot be explained by different rates of student misbehavior. Studies show that students misbehave at roughly the same rate regardless of race. While poverty is correlated with increases in disruption and behavioral disorders, those relationships do not explain the great discipline gap between white and Black children. The discipline gap remains even when all other variables are removed. For the same infraction in similar circumstances, a Black student is significantly more likely to be disciplined than a white peer.

Decreasing our reliance on reportable offenses will lead to improved outcomes across the board. We as a community must focus on safety in more holistic terms: an environment that is free from fear, intimidation, violence and isolation. This bill gets Maryland closer to that goal.

For these reasons, the PJC strongly supports House Bill 1265.

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decisions, sentencing, prosecution, and others) <https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>.

⁵ Douglas Young, Christina Yancey, Sara Betsinger, Jill Farrell, *Disproportionate Minority Contact in the Maryland Juvenile Justice System*, University of Maryland College Park Institute for Governmental Service and Research (January 2011) (“African American youth are particularly subject to disparate levels of contact and are also significantly overrepresented at arrest (2.54), referral to DJS intake (2.44), and the case petitioning stage (1.41)”).

⁶ Emanuella Grinberg, *Racial bias pervasive among Baltimore police, DOJ says*, CNN (Aug. 10, 2016) (“A Justice Department investigation found that the Baltimore Police Department engages in unconstitutional practices that lead to disproportionate rates of stops, searches and arrests of African-Americans, and excessive use of force against juveniles and people with mental health disabilities.”)

⁷ See *supra* note 4.

⁸ MSDE Division of Student Support and Federal Programs and Division of Assessment, Accountability, Performance Reporting & Research, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024* (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).

⁹ MSDE Division of Assessment, Accountability, Performance Reporting & Research, *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2023-2024* (December 2024) <https://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

HB 1265 Testimony-DRM.pdf

Uploaded by: Logan Ewing

Position: FAV



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

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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.

HB 1265 Amdended.docx.pdf

Uploaded by: Karalyn Aanenson

Position: FWA

Aruna Miller
Lt. GovernorWes Moore
GovernorVincent Schiraldi
Secretary

Date: March 27, 2025
Bill Number/Title: HB 1265 / Juveniles - Arrests for Reportable Offenses
Committee: EEE
DJS Position: Support with Amendment

The Department of Juvenile Services (DJS) supports HB 1265 with amendments. DJS requested this bill to strengthen information-sharing protocols when a student transfers schools and to improve coordination between the juvenile justice system and Maryland's public schools. These changes will enhance student support and school safety.

As introduced, HB 1265 requires superintendents to transmit reportable offense information when a youth transfers or enrolls in a new school. Additionally, it ensures that the Juvenile Services Education Program (JSEP) aligns with the responsibilities of Maryland school system superintendents by mandating that JSEP share reportable offense arrest and disposition information with the receiving school system. This critical step helps maintain continuity of information, allowing schools to provide appropriate services and support while prioritizing safety.

HB 1265 was amended in the House to:

- Limit the list of reportable offenses;
- Modify DJS's responsibilities in reporting to local schools;
- Change prohibited behavior on school grounds; and
- Alter the composition of the workgroup.

DJS supports limiting the number of reportable offenses and takes no position on changes to prohibited behavior on school grounds.

DJS is requesting two amendments. The first preserves the original language and upholds the bill's intent to close an information gap by requiring JSEP to transfer educational records when a youth reenrolls in a different school system. The second reinstates DJS as the co-lead alongside the Maryland State Department of Education (MSDE) in developing and reporting an operational protocol for transmitting reportable offense information.

Amendment 1: Restore Language on Educational Records Transfer

On Page 4: Restore the language on line 26

On page 5: Restore the language on lines 1- 10

On page 5: Strike lines 11 through 30

Amendment 2:

On page 9, Line 20: The **Department of Juvenile Services** and the State Department of Education, in consultation with the Public School Superintendents Association of Maryland, Maryland State's Attorneys' Association, the Juvenile Services Education Program, the Maryland Chiefs of Police Association, and the Maryland Sheriffs' Association, shall develop an operational protocol to guide the transmission of information as required under Section 1 of this Act.

For these reasons, DJS respectfully requests a favorable report on HB 1265 with amendments.

Contact: Kara Aanenson, DJS Director of Legislation Policy and Reform, kara.aanenson@maryland.gov



HB 1265 - (SEN) Reportable Offenses.pdf

Uploaded by: Sam Mathias

Position: FWA

BILL: House Bill 1265
TITLE: Education – Reportable Offenses and Prohibited Behavior on School Grounds – Alterations
HEARING DATE: March 27, 2025
POSITION: FAVORABLE WITH AMENDMENTS
COMMITTEE: Education, Energy, and the Environment
CONTACT: Sam Mathias, Legal & Policy Services Director (smathias@mabe.org)

The Maryland Association of Boards of Education (MABE), representing all the state’s local boards of education, requests a report that is **FAVORABLE WITH AMENDMENTS** for **House Bill 1265 – Education – Reportable Offenses and Prohibited Behavior on School Grounds – Alterations**.

MABE appreciates and largely supports the bill’s amendments to date.

- 1. First, MABE supports the bill’s revised list of reportable offenses.** The removal of offenses that do not directly impact student or school safety—and new inclusion of those that do—reflects a thoughtful, balanced approach. This refinement helps ensure that schools are informed when it matters without overwhelming systems with information or encouraging overcriminalization of students.
- 2. Second, MABE supports** requiring the Department of Juvenile Services (DJS) to notify school districts when a student in DJS’s custody was arrested for a reportable offense and is transferring to a public school. **However, MABE requests a small amendment to Paragraph (e)(2)(I)(1) as follows:**

“This Paragraph applies to a student who is under the custody or supervision of the Department of Juvenile Services”

This amendment would ensure the legal foundation for school systems to receive information about students who may be transferring from other states through the DJS system so that appropriate supports and safety planning can be put in place.

- 3. Third, MABE continues to recommend amending the definition of “school security officer”** to include only school system administrators responsible for safety policies and personnel—rather than a security guard or school resource officer, who play important but non-supervisory, non-policy roles in campus-level security. MABE respectfully submits the following language to redefine “school security officer”:

“School security officer” means an individual employed by a local school system or local government who has system-wide responsibility for school safety and security operations and is designated by the county superintendent. The term does not include a teacher, school resource officers, or campus-based security personnel assigned to individual schools.

4. Finally, we underscore that the operational protocol to be developed by MSDE, in collaboration with other associations and agencies, will be essential to the successful implementation of this bill. MABE stands ready to assist in the development of this protocol alongside those others to ensure it supports local systems in balancing school and public safety, the rights of the accused, student privacy and confidentiality, the administrative burden of inter-agency communication, and the responsibility placed on school systems to assess and act on reported information appropriately.

Therefore, we request a **favorable with amendments** report on HB 1265.

MD Catholic Conference_HB 1265_INFO SENATE CROSS.p

Uploaded by: Garrett O'Day

Position: INFO



March 27, 2025

HB 1265

Education - Reportable Offenses and Prohibited Behavior on School Grounds - Alterations

**Senate Education, Energy and the Environment Committee
Senate Judicial Proceedings Committee**

Position: INFORMATION

The Maryland Catholic Conference offers this statement of information for House Bill 1265. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government. We offer this testimony on behalf of the families of approximately 50,000 students served by over 150 PreK-12 Catholic schools in Maryland.

House Bill 1265 would add school security officers to the list of requisite persons to be notified by the state's attorney for any "reportable offense" to school administration regarding alleged criminal misconduct. This bill would also require school superintendents and school principals to transmit information regarding reportable offenses to the local superintendent of another public school system in the state or another nonpublic school in the state in which the student alleged of the reportable offense has enrolled or been transferred to. Current law simply affords this option, rather than placing an absolute mandate on administrators.

The Conference appreciates the aim of House Bill 1265 in attempting to ensure the safety of all schools and students. While this legislation could potentially improve some information sharing amongst schools to assist with student safety, the liability concerns may outweigh the noble intent, especially as this legislation would put an affirmative burden on school principals to share certain information with future schools. This presents a liability concern for principals who might lose track of where a student might be enrolling in the future through no fault of their own. Additionally, if a student goes on to cause harm at a subsequent school, this might also in turn present a liability concern.

Moreover, were this bill to pass, schools would also need specific forms provided to ensure compliance with the reporting requirements, so as to make it very clear to administrators what would be necessary to include in the report and what would not. If this legislation were amended to limit its scope to the additional information sharing, without the new reporting mandate of the amended Section 7-303(e), this legislation would present less concern.

HB1265- State Board- LOI- Crossover.pdf

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Position: INFO

TO: Senate Committee on Education, Energy, and the Environment

BILL: House Bill (HB) 1265 – Education – Reportable Offenses and Prohibited Behavior on School Grounds – Alterations

DATE: March 27, 2025

POSITION: Information

The Maryland State Department of Education (MSDE) provides this information regarding **House Bill (HB) 1265 – Education – Reportable Offenses and Prohibited Behavior on School Grounds – Alterations**.

HB 1265 Summary

HB 1265 requires MSDE, in consultation with the Department of Juvenile Services (DJS), the Maryland State’s Attorneys’ Association, the Juvenile Services Education Program (JSEP), the Public School Superintendents’ Association of Maryland, the Maryland Chiefs of Police Association, and the Maryland Sheriffs’ Association, to develop an operational protocol to guide the transmission of reportable offenses information. The protocol will cover transmission from law enforcement to the schools, and from the schools/DJS to a school which a student with a pending reportable offense charge or who has been convicted or adjudicated delinquent of the reportable offense enrolls in or is transferred to.

HB 1265 adds a requirement that the local superintendent, school principal, and DJS must transmit information about a reportable offense and its disposition to the local superintendent of a school in which the student charged with a reportable offense has enrolled. The requirement of DJS to notify the local superintendent for the school system that the student is transferring to, if the disposition of the student’s case was a conviction or an adjudication of delinquency of the criminal charge or delinquency petition is still pending is a new requirement of DJS as specified in HB 1265. If the student is enrolled in the Juvenile Services Education Program (JSEP), DJS must consult with JSEP.

Current law requires law enforcement agencies to notify the local superintendent, the school principal, and the school security officer, for schools that have a school security officer, of the arrest and charges, for cases of students alleged to have committed a reportable offense, as defined in statute. At present, if the State’s Attorney has been notified by law enforcement, the State’s Attorney must notify the local superintendent or the school principal of the disposition of a case of a student charged with a reportable offense. HB 1265 adds that the State’s Attorney’s must notify the local superintendent, the school principal, and the school security officer, for schools that have a school security officer.

MSDE Information

The addition of reporting responsibilities for DJS and the development of an operational protocol for transmitting reportable offenses information, as required by HB 1265, will standardize reporting procedures across the state and enable local schools to make informed decisions to preserve the safety

and security of the school environment. It will also require DJS to report on Maryland students returning from out of state enrolling in a Maryland school thereby addressing a possible gap in sharing information.

[Section 7-303 of the Education Article](#) provides schools with information regarding criminal activity outside of the schools' purview, as such information may be necessary to make critical decisions to maintain the safety of the educational environment. The requirement that the State's Attorney notify specific parties strengthens reporting requirements related to the disposition of reportable offense charge, if the State's Attorney has been notified by law enforcement. For a student removed from the regular school program as a result of a reportable offense, COMAR 13A.08.01.17 requires local schools to review the student's placement every 45-days, or upon notification of disposition of the charge.

HB 1265 clarifies that prohibitions and penalties do not apply to students currently attending the institution of elementary, secondary or high education where the offense occurs or where a student is attending a sporting event or other extracurricular program sponsored by the institution where the offense occurs. These actions would not be handled as a reportable offense but rather an offense on school property.

The Maryland State Department of Education has been collecting and reporting reportable offenses data since this requirement was introduced by statute in 2022. MSDE was responsible for promulgating regulations related to reportable offenses and providing technical assistance sessions to the local education agencies (LEAs) regarding proper implementation of reportable offenses law.

For further information, please contact Dr. Akilah Alleyne at 410-767-0504, or Akilah.alleyne@maryland.gov

HB1265 Howard Co BOE - INFO ONLY - 032725 for EEE

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Position: INFO



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**Board of Education of Howard County
Testimony Submitted to the Maryland Senate,
Education, Energy, and the Environment Committee
March 27, 2025**

HB1265: INFORMATIONAL ONLY

Education - Reportable Offenses and Prohibited Behavior on School Grounds - Alterations

The Board of Education of Howard County (the Board) would like to provide this Committee information regarding reportable offenses as you consider **Education - Reportable Offenses and Prohibited Behavior on School Grounds - Alterations**. The Board also offers amendments related to **HB0627 Education - Prohibited Behavior on School Grounds and Property – Application** which has been incorporated into this bill.

Currently, under Education Article § 7-303, student arrests are reported to the local superintendent, school principal, and School Resource Officer (SRO) if applicable as reportable offenses. Reportable offense reports are used to provide appropriate educational programming and related services to the student while maintaining a safe and secure school environment for students and school personnel. Ultimately, this process results in a case-by-case determination on whether they should remain in their current school environment, should have their regular school program altered, or the student should be removed from their regular school program.

Following the [arrest of a Howard High School student](#) subsequent discussions resulted statewide on the topic of reportable offense reporting. The Maryland State Board of Education (MSBE) honored a request from members of the Howard County Delegation and [adopted an emergency regulation on October 22, 2024](#), to amend COMAR 13A.08.01.17F *Confidentiality of Information and Retention of Documents* soon after the events in Howard County. Specifically, this change shifted a “may” to “shall” regarding sharing information when a student with a known reportable offense transfers between school districts in Maryland. The State Superintendent of Schools along with MSBE also [testified before](#) the Joint Committee on Administrative, Executive, and Legislative Review (AELR) in early December to discuss the emergency regulation where potential areas of the reportable offense statute that [might be fixed via legislation](#) were discussed.

Beyond inter-county sharing, Howard County Public School System (HCPSS) staff have also reviewed Education Article § 7-303 to look for ways to address gaps in communication for potential improvements in the current law. To be clear, the need for additional communication between agencies is not with the intent of being punitive towards students. School systems must remain vigilant in appropriately considering the information shared, with confidentiality, and in a manner that balances the pursuit of a safe environment with protecting individual student rights.

Based on the internal review by staff, the Board adopted a Legislative Priority on reportable offenses along with the following proposed amendments to Education Article § 7-303 within three focus areas:

- Express the need for law enforcement to share reportable offense information expeditiously, and with greater detail to the extent it would help the school system make a placement determination
 - Recommended amendment under § 7-303 (b):
 - (1) Shall notify the following individuals of the arrest [and the charges] within 24 hours of the arrest **AND PROVIDE THE ARREST REPORT OR A**

DESCRIPTION WITH DETAILS PERTINENT TO SCHOOL SAFETY TO INCLUDE WHETHER ANY VICTIMS WERE STUDENTS AND THE TYPE OF WEAPON INVOLVED IF APPLICABLE. CHARGES SHOULD THEN BE PROVIDED [or] as soon as practicable:

- Create a support system at the State level that would facilitate locating enrollment when reports are received for a non-local student
 - Recommended addition under § 7-303:
 - **(D) IF A LOCAL SUPERINTENDENT OR SCHOOL PRINCIPAL RECEIVES A REPORT UNDER SUBSECTION (B) FOR A STUDENT THAT IS NOT CURRENTLY ENROLLED IN THAT COUNTY, THE LOCAL SUPERINTENDENT SHALL PROMPTLY NOTIFY THE SUPERINTENDENT OF THE STATE DEPARTMENT OF EDUCATION TO FACILITATE LOCATING THE SCHOOL OR JURISDICTION OF ATTENDANCE. ONCE LOCATED, THE LOCAL SUPERINTENDENT WHO RECEIVED THE REPORT SHALL TRANSFER THE INFORMATION PURSUANT TO SUBSECTION (E).**
- Require the Department of Juvenile Services to share reportable offense information in the same manner law enforcement does
 - Recommended addition under § 7-303:
 - **(G) FOR A STUDENT UNDER THE CUSTODY OR SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES, THE DEPARTMENT SHALL NOTIFY THE LOCAL SUPERINTENDENT AND THE SCHOOL PRINCIPAL OF A SCHOOL IN WHICH THE STUDENT IS ENROLLED OR TO WHICH THE STUDENT HAS BEEN TRANSFERRED OF THE STUDENT'S REPORTABLE OFFENSE OR OFFENSE THAT IS RELATED TO THE STUDENT'S MEMBERSHIP IN A CRIMINAL ORGANIZATION, THE DISPOSITION OF THE REPORTABLE OFFENSE, AND THE LAW ENFORCEMENT REPORT OR A DESCRIPTION OF THE OFFENSE INCLUDING DETAILS PERTINENT TO SCHOOL SAFETY TO INCLUDE WHETHER ANY VICTIMS WERE STUDENTS AND THE TYPE OF WEAPON INVOLVED IF APPLICABLE.**

With its passage by the House, the amended section (e)(2) starting on page 2 in line 11 of HB1265 moves towards addressing the last recommendation above. One difference would be the inclusion of “or supervision” to ensure the law covers instances of students who come into a Maryland school from outside the state, where supervision has been transferred to the Department of Juvenile Services.

Although our staff and Board have put the above forward, we also understand we are not the only voices interested in changes to this process. Other local school systems, the Maryland State Department of Education, law enforcement agencies, the Maryland Department of Juvenile Services, and advocates alike may have ideas that would enhance the reportable offense process. The workgroup proposed under HB1265 would go a long way in addressing other operational matters identified, including those in our recommended language above for timeliness and contents of reports to local school systems, as well as facilitation in locating students when reports are received for a non-local student. Now is the time to bring those stakeholders.

With the inclusion of language from **HB0627 Education - Prohibited Behavior on School Grounds and Property – Application** within the amendments to HB1265, we also offer the following from our FAVORABLE WITH AMENDMENTS position on HB0627:

Over the past several years of deliberation on HB0627, various iterations have attempted to hone in on the intent to remove current students from the application of the law in order to decriminalize what can otherwise be handled via student discipline – essentially aimed at reducing the school-to-prison pipeline. To that end, the current version of the bill maintains a prohibition on willful disturbances at schools with exclusions specifically for a student currently attending the institution of elementary, secondary, or higher education where the offense occurs or a student currently attending another institution of elementary, secondary, or higher education who is participating in or attending a sporting event or other extracurricular program sponsored by the institution where the offense occurs.

While the Board supports the intent of HB0627, it should stop short at including only the first exclusionary provision that would achieve the stated purpose of the sponsor, while leaving this important safety and security law in place for use when other individuals disrupt the school environment. Specifically, if a student has been excluded from their school for disciplinary purposes or does not attend the school all-together this statute is the only additional measure school systems have to deter the student from entering the school grounds. Moreover, the feasibility of applying the second provision is questionable as it is often unknown if an individual (who is not a known student of that school) is a student in another jurisdiction or private school. The second exclusion also does not distinguish between grade levels, therefore if a student of a higher education institution commits a disruptive event on elementary, middle, or high school grounds as an adult the bill would waive criminal penalties even if they have no connection to the school where the offense occurred.

Therefore, section (a)(2) in lines 27-30 on page 7 of the amended HB1265 should be removed.

Thank you for the opportunity to provide information on HB1265.