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POSITION ON PROPOSED LEGISLATION

BILL: HB 1211 - Education - Reporting Arrests of Students - Alterations

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: March 5, 2025

The Maryland Office of the Public Defender (MOPD) respectfully requests that the Committee issue an unfavorable report on House Bill 1211 (HB 1211).

Under current law, Md. Code, Educ. § 7-303, which was amended in 2022, law enforcement is required to inform school districts when a student has been arrested for one of over 60 offenses considered “reportable offenses” in the statute. House Bill 1211 would further expand the reporting requirements imposed on law enforcement officers, increasing the scope of what is otherwise confidential information and burdening law enforcement with additional reporting requirements. The current reportable offense statute already casts a wide net and there is no reason that confidential information regarding offenses that are alleged to have happened *off school grounds* needs to be further disseminated to the Maryland Center for School Safety and the Maryland State Board of Education.

The bill’s requirement to expand the reporting of unadjudicated charges to include the Juvenile Services Education Program (JSEP) is further confusing. The JSEP provides education to youth detained or committed for placement in Department of Juvenile Services facilities. However, many students charged with reportable offenses will never have any interaction with a JSEP school. According to the Department of Juvenile Services Data Resource Guide for FY2024, only 42.7% of juvenile complaints resulted in formal petitions,¹ meaning a majority of cases are resolved with informal supervision or diversion, and those individuals never spend time in a DJS facility. Mandating notification to JSEP is unnecessarily broad and lacks justification. In fact, the bill offers no explanation as to why any of the expanded reporting requirements are needed.

¹ https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf

The expansion of reporting requirements in House Bill 1211, will further impact Black students and students with disabilities, who are already disproportionately represented in reportable offense cases. In the 2023-24 school year, Black students made up 69% of reportable offense cases despite representing only 33% of the statewide student population. In fact, the data shows that Black students are 4.1 times more likely to be reported for such offenses than their white peers.² Students with disabilities accounted for 39% of arrests for reportable offenses, yet only 13% of the student body.³ Mandating additional reporting requirements adds increased stigma to these groups of students with no expressed benefit. As it has for the last five years, this Committee should reject the changes proposed by House Bill 1211.

Data on reportable offenses is already collected by local school systems and reported at the state level through the Maryland State Department of Education. Local school systems are in the best position to determine when action needs to be taken in response to a reportable offense to ensure safety. There is no compelling reason to further report confidential, pre-adjudicated community offenses to the Maryland Center for School Safety, the Juveniles Services Education Program and the Maryland State Board of Education.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 1211.

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

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² See Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024* (Dec. 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).

³ Id.