

EDUCATION ADVOCACY COALITION FOR STUDENTS WITH DISABILITIES

HOUSE JUDICIARY COMMITTEE

HOUSE BILL 12

Juvenile Sex Offender Registry- Qualifying Offenses and Access

January 29, 2026

POSITION: OPPOSE

The Education Advocacy Coalition for Students with Disabilities (EAC) is a coalition of nearly 50 organizations and individuals concerned with education policy for students with disabilities in Maryland. The (EAC) opposes House Bill 12 due to its significant impact on students with disabilities and its conflict with the Individuals with Disabilities Education Act (IDEA).

Md. Code, Criminal Procedure § 11-722(c) effectively prohibits children placed on the juvenile sex offender registry from attending public school in person. This prohibition is categorical and does not include any requirement for an individualized determination, time limitation, or consideration of a child's educational needs. As a result, students, including students with disabilities, are excluded from in-person public education based solely on registry status.

For students with disabilities, this exclusion conflicts with the IDEA. The IDEA requires that students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) in which their individualized education programs (IEP) can be implemented. Placement decisions must be individualized and made by an IEP team based on the student's unique needs. Unilaterally excluding students from public school attendance removes them from their least restrictive environment without an individualized analysis and circumvents IDEA's procedural and substantive safeguards.

House Bill 12 expands the list of qualifying offenses that result in placement on the juvenile sex offender registry, thereby increasing the number of students subject to this blanket exclusion. As a result, more students with disabilities may be forced into alternative placements or virtual instruction programs that do not meet their educational needs and have not been determined through the IEP process.

In practice, placement in nonpublic schools is not a viable or immediate alternative for many students. Nonpublic schools in Maryland may deny admission based on a student's history or needs, and many state-approved nonpublic programs maintain lengthy waitlists.

When a student is excluded from in-person public school and cannot access a nonpublic placement, the student may be left without any appropriate in-person educational setting, resulting in prolonged denial of FAPE.

By expanding registry eligibility, HB12 risks increasing the number of students with disabilities who are removed from their least restrictive environment, denied individualized placement determinations, and left without timely access to appropriate educational services.

For these reasons, the EAC opposes House Bill 12.

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Respectfully Submitted,

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