



**NATASHA DARTIGUE**  
PUBLIC DEFENDER  
**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER  
**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: HB 123 – School Systems – Reportable Offenses – Alterations**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: February 5, 2026**

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The Maryland Office of the Public Defender (MOPD) respectfully requests that the Committee issue an unfavorable report on House Bill 123 (HB 123), which seeks to significantly expand the list of offenses for which a student can be removed from school under the reportable offense statute; extends the notification requirement to include institutions of higher learning for students enrolled dual enrollment programs, and permits State's Attorney's Offices to notify schools of student arrests and charges. MOPD strongly opposes HB Bill 123 because it is unnecessary, would not improve school safety, would disproportionately impact Black students and students with disabilities, and would place more students at risk of academic failure due to increased educational disruption.

Maryland's "reportable offense" statute was first introduced in 1995 with the limited purpose of providing schools with additional information to maintain safety. At the outset, only a small and focused number of offenses were categorized as reportable offenses.<sup>1</sup> However, over time, the law has been repeatedly expanded and now encompasses over 60 offenses - ranging from crimes of violence to non-violent, low-level offenses.<sup>2</sup> As a result, the statute has become overly broad, difficult to administer, inconsistently applied, and increasingly disconnected from its original purpose.<sup>3</sup>

Each notification of a student's arrest requires school officials to gather information, conduct investigations, and sometimes meet with parents and attorneys to determine whether any intervention, such as a safety plan, is necessary or if the student should be removed from school. The expansive scope of the current law diverts limited school resources away from educational and student-support functions and undermines the effectiveness of the reportable offense framework as a targeted safety tool.

**House Bill 123 would unnecessarily expand the number of offenses which could lead to exclusion from school.** Expanding the list of reportable offenses places more children at risk of

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<sup>1</sup> 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.

<sup>2</sup> Md. Ann. Code, Educ. § 7-303; COMAR 13A.08.01.17.

<sup>3</sup> See WBFF Fox45 Baltimore, *In Depth: Are all reportable offenses reported to schools as required by law?*  
<https://www.youtube.com/watch?v=eREZ5c5YM4c>

school removal for alleged involvement in offenses which bear little to no relationship to whether a student poses an imminent threat to school safety. Students removed from school after a reportable offense are often placed into virtual learning environments, which can undermine academic progress and social-emotional development. Isolating students at home—often without adequate supervision—can exacerbate existing mental health challenges and impede social and emotional development. Schools provide critical structure, stability, and support, and depriving students of that environment can result in lasting negative consequences.

**House Bill 123 would disrupt ongoing implementation of recent regulatory changes and forthcoming guidance from the Maryland State Department of Education.** In response to concerns that students were being inappropriately removed from school and were not provided adequate due process, the General Assembly amended the reportable offense statute in 2022. The Maryland State Board of Education subsequently issued new regulations in July 2024 and the Maryland State Department of Education has a forthcoming new guidance document - along with planned webinars - to “foster improved understanding of the reportable offense regulation (COMAR 13A.08.01.17) to inform related LEA policies and procedures.”<sup>4</sup> Further expansion and revision of the reportable offense statute renders these new resources immediately out-of-date.

Additionally, the newly formed Commission on Juvenile Justice Reform and Emerging and Best Practices - established in 2024 under House Bill 814 - has recently decided to review Maryland’s reportable offense process within the Juvenile Justice Processes and System Coordination workgroup and make recommendations. It is not necessary to revisit the statute, alter the reporting requirements, and expand the offenses at this time.

**House Bill 123 will have a disproportionate impact on Black students and students with disabilities, putting more students at risk of academic failure.** Maryland has a long history of implementing school discipline policies and procedures which disproportionately impact Black students.<sup>5</sup> Likewise, Black children and children with disabilities continue to be overrepresented throughout the youth legal system. During the 2024-25 school year, Black students represented 64% of the identified reportable offense cases but only represented 32% of the statewide student population, while students with disabilities represented 44% of students reported as arrested for reportable offenses, but are only 13% of the statewide student population.<sup>6</sup> Because the reportable offense process relies on multiple points of discretionary decision-making, it creates repeated opportunities for racial and disability-based bias to influence outcomes. Expanding the law will only magnify these disparities and the harm they cause.

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<sup>4</sup> See Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2024-2025* (Dec. 30, 2025), [https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303\(j\)\\_2025.pdf](https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303(j)_2025.pdf)

<sup>5</sup> See Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, *Final Report and Collaborative Action Plan* (December, 20, 2018), 23 - 25, <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>.

<sup>6</sup> See Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2024-2025* (Dec. 30, 2025), [https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303\(j\)\\_2025.pdf](https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303(j)_2025.pdf)

Continued expansion of the reportable offense statute places more students at risk of removal from school before any finding of involvement, jeopardizes academic success of more students, is unnecessary, and further harms children who already experience systemic inequities. For these reasons, the bill should be rejected.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 123.**

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

**Authored by: Alyssa Fieo, Education Attorney/Assistant Public Defender**  
[alyssa.fieo@maryland.gov](mailto:alyssa.fieo@maryland.gov)  
**Abbie Flanagan, Education Attorney/Assistant Public Defender**  
[abbie.flanagan1@maryland.gov](mailto:abbie.flanagan1@maryland.gov)