

**Testimony of The University of Baltimore School of Law's
Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC)**

In Opposition to HB 123

School Systems – Reportable Offenses- Alterations

TO: The Honorable Chair Wilkins, The Honorable Vice-Chair Feldmark, and Esteemed Members of the House Ways and Means Committee
FROM: CFCC Executive Director Aubrey Edwards-Luce, MSW, Esq.

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The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. The CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities in all that we do to work towards transforming systems that create barriers to family well-being.

CFCC respectfully submits this testimony in opposition to HB 123. This bill seeks to add provisions to Maryland's law that would expand the list of offenses a law enforcement agency is required to report to school personnel and State's Attorneys following a student's arrest. HB 123 would also expand the definition of "school system" to include students participating in dual enrollment programs through higher education institutions. By increasing the number of reportable offenses, HB 123 expands Maryland's violation of students' privacy. HB 123 will result in negative consequences for the education and well-being of Maryland's students, especially Black students. The disparate impact of this bill is nearly certain, while it's purported enhancement to public safety seems illusory. Youth hold profound potential for growth and rehabilitation; this bill ignores the harmful impact that school disconnection can have on students' futures.

I. HB 123 violates students' privacy rights.
Privacy rights are of critical importance to the success of court-involved children and youth. A 12-state study conducted by The Council of State Governments (CSG) Justice Center found that unfettered access to juvenile records can significantly reduce educational and

employment opportunities, which increases the risk of reoffending.¹ Even after youth have “done their time” court and school discipline records can be used against youth as they try to enrich our communities as servants in the military or in law enforcement or to apply themselves through obtaining post-secondary education or employment in health care or childcare. These records also contribute to racial inequities.² The CSG Justice Center recommended that state policies make all juvenile records confidential at all times, with limited exceptions for “clearly designated public safety purposes.”³ Sharing the arrest of more youth, especially prior to an a judicial finding, contradicts the private nature and rehabilitative purpose of the juvenile justice system.⁴

II. HB 123 will disproportionately and unnecessarily harm Black students.

While HB 123 does not propose the egregious step of banning youth who have been arrested for a reportable offense from school property, it will likely result in more Black students being removed from their school or having their regular school program altered. Upon analyzing the latest Maryland Reportable Offenses Data Report, the Gibson-Banks Center for Race and the Law at the University of Maryland Francis King Carey School of Law found that Black students are overrepresented among Maryland’s students arrested for reportable offenses.⁵ Black students comprise nearly one-third of Maryland’s student population, yet represent approximately 65% of reportable offense incidents for the 2023-2024 school year.⁶ Notably, Black students are the only racial group disciplined at a higher rate than their total enrollment.⁷ Black students are punished more harshly and more frequently than their peers for the same offense.⁸ We justifiably worried that HB 123 will make more Black students disproportionately susceptible to having their learning program altered or their school placement changed as a result of an arrest for a reportable offense.

¹ The Council of State Governments Justice Center - “New Analysis Finds States Limit Employment, Education Opportunities for People with Juvenile Records.” (Mar. 2021). Available at <https://csjusticecenter.org/2021/03/16/new-analysis-finds-states-limit-employment-education-opportunities-for-people-with-juvenile-records/>

² The Sentencing Project, *Black Disparities in Youth Incarceration* (2023), <https://www.sentencingproject.org/app/uploads/2023/12/Black-Disparities-in-Youth-Incarceration.pdf>

³ Id.

⁴ Office of Juvenile Justice and Delinquency Prevention. *Juvenile Court Statistics* (2018), <https://www.ojjdp.gov/ojstatbb/njcda/pdf/jcs2018.pdf>.

⁵ The Gibson Banks Center for Race and the Law. *How Schools Use Reportable Offenses in Maryland: Frequently Asked Questions* (Jan. 2025), https://drive.google.com/file/d/1qsXik5SdT4SZjVMAW9HA2GIW_D5h5Kfq/view?usp=sharing

⁶ Md. State Dep’t of Educ., *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).

⁷ Sunderman, Gail L., et al., *High Suspending Schools in Maryland: Where Are They Located and Who Attends Them?* (Oct. 2018), https://education.umd.edu/sites/default/files/uploads/MEP_Out-of-School%20Suspensions2_Oct%202018_0.pdf.

⁸ Sunderman, Gail L., et al., *High Suspending Schools in Maryland: Where Are They Located and Who Attends Them?* (Oct. 2018), https://education.umd.edu/sites/default/files/uploads/MEP_Out-of-School%20Suspensions2_Oct%202018_0.pdf.

CFCC is deeply concerned that HB 123 would exacerbate the racial disproportionality in Maryland's school-to-prison pipeline. Systemic racism remains a driving force behind a student's involvement with the legal system. As highlighted by the Maryland Attorney General and Public Defender through the Maryland Equitable Justice Collaborative, Maryland already has the highest percentage of incarcerated Black people in the nation when compared to state population - a shameful distinction we must collectively work to address, not worsen.

III. HB 123 threatens the educational potential of Maryland's students.

The 2023-2024 Maryland Reportable Offenses Data Report gives us reason to be concerned about the attendance and academic performance of youth who have are removed from their schools after a reportable offense, but more data is needed. Research shows that students who are disconnected from school are less likely to complete high school and are at an increased risk of imprisonment later in life.⁹ This is an unacceptable outcome for Maryland's students. It would be especially unjust if a wrongful arrest pushed Maryland's youth on a path towards trauma and trouble.

Lastly, CFCC understands that the Commission for Juvenile Justice Report and Emerging Best Practices is examining reportable offenses and believes the expertise of that body will assist this honorable committee in its search for a narrowly tailored approach that doesn't threaten the rights or potential of Maryland's students. **For these reasons, the CFCC opposes HB 123 and urges an unfavorable report.**

⁹ Am. Univ. Sch. of Educ., *Who Is Most Affected by the School-to-Prison Pipeline?* (Feb. 24, 2021), <https://soeonline.american.edu/blog/school-to-prison-pipeline/>.