

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

House Ways and Means Committee

House Bill 123: School Systems - Reportable Offenses - Alterations

February 5, 2026

Position: Oppose

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. For more than a decade, we have been committed to making discipline responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. CRSD opposes House Bill 123 which seeks to expand the number of reportable offenses. While framed as a public safety measure, the bill is overly broad, imprecise, and will produce serious and lasting harm to children, families, and schools across Maryland, without improving safety.

The reportable offense statute has undergone significant legislative and regulatory changes in recent years, and school systems are still in the process of implementing those reforms and awaiting clear, consistent guidance. During the 2022 Legislative Session, the General Assembly passed HB 146 in response to concerns that school systems were unnecessarily excluding students based on community-based charges with little oversight or accountability. At that time, this body added due process protections for students, and made clear that the definition of a reportable offense means that the behavior occurred off school premises and did not occur at a school event. The Maryland State Board of Education then issued new regulations in July 2024 and recently adopted an additional regulation regarding the sharing of information between districts. The Maryland State Department of Education will soon release a guidance document to further assist school districts in complying with the reportable offense statute. The significant changes proposed by HB123 would only create additional confusion and alter requirements that schools and agencies are already struggling to implement.

By expanding the offenses considered reportable offenses, HB 123 would exacerbate the overuse of school removal, harm overall school flourishing, and perpetuate deeply entrenched racial bias at every level of the reportable offense process.

Maryland law provides for students to stay in school unless they pose an imminent threat of serious physical harm to others.¹ This bill adds numerous reportable offenses that do not demonstrate whether or not a child is a threat to other students or staff. Under current law, even if these new offenses were reported to schools, they would not be legally allowed to remove

¹ COMAR 13a.08.01.11(B)(2)(a).

students as a disciplinary method due to the legal standard for school removal. 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? These new reportable offenses introduced by this bill do not.

Decades of research shows that, in punitive systems where discretionary decisionmaking is a key facet, those discretionary decisions result in racial bias.² Racial 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.³ ⁴ This leads to Black children being more than 2.5 times more likely to be arrested than white children.⁵ 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.⁶ This disparity is greater than that of arrests, suggesting that officers and prosecutors make discretionary decisions to report greater numbers of Black students to their schools for reportable offenses. Adding more offenses which can be reported to school officials only increases the likelihood that these existing disparities will worsen.

Once reported to their schools, children arrested for a reportable offense are often placed in (unregulated) virtual learning environments with fewer protective supports, no access to specialized instruction or related services, and complete separation from their peers and other caring adults. This separation from their regular school environment harms children academically, as well as socially. Any expansion of the reportable offense law further entrenches the school-to-prison pipeline by reframing schools as punitive and in-sync with the youth legal system rather than places of care, stability, and learning.

We urge the committee to oppose House Bill 123. The General Assembly has already charged an expert commission with examining the reportable offense process and developing informed, evidence-based recommendations. The Commission on Juvenile Justice Reform and Emerging and Best Practices will make recommendations rooted in research, deliberate consideration with a team of experts in the youth legal system and education advocates.

² 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/>.

³ 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)”).

⁴ 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.”).

⁵ See *supra* note 4.

⁶ 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).

For these reasons, CRSD opposes HB 123.

For more information contact: CRSDMaryland@gmail.com

- ACLU of Maryland
- Disability Rights Maryland
- League of Women Voters of Maryland
- Maryland Alliance for Racial Equity in Education (MAREE)
- Maryland Office of the Public Defender
- Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute
- Public Justice Center
- The Choice Program at UMBC
- Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law
- Strong Schools Maryland