

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

House Ways and Means Committee

House Bill 198:

School Systems - Reportable Offenses - Notification of Student as Suspect

February 11, 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 198. CRSD maintains that if law enforcement does not have enough information to charge a child, then the school certainly does not have enough information to punish, potentially putting a student out of school. While framed as a public safety measure, the bill will produce serious and lasting harm to children, families, and schools across Maryland, without improving safety. It is also a violation of two foundational principles in both the adult and youth legal systems in the United States: due process and rehabilitation.

HB 198 would exacerbate the overuse of school removal, disrupt students' educational continuity and engagement, and perpetuate deeply entrenched racial bias at every level of the reportable offense process. It would expand discretionary decision-making at the earliest and least reliable stage of the legal process—mere suspicion—where racial bias is most pronounced. This racial bias emerges, in part, because of adultification. Black children are often not viewed as children and their behaviors are often not viewed as typical of adolescent development.¹ Decades of research show 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

¹Kristen Henning, *The Rage of Innocence: How America Criminalizes Black Youth*, New York: Pantheon Books, 2021.

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/>.

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. Expanding the law to permit State's Attorneys to notify schools of students under investigation only increases the likelihood that these existing disparities will worsen.

There are other pernicious aspects of punishing children who are suspects. The youth legal system is designed to protect the confidentiality of minors. If this bill were to pass, students would have no meaningful opportunity to challenge a suspicion before educational consequences occur. By sharing information about a student who has not been charged or adjudicated, their fundamental right to privacy is invalidated. Supreme Court case *Goss v. Lopez* (1975) protects students' rights to reputation and education by requiring public schools to provide procedural due process. The ruling mandates that students can challenge accusations, protecting them from arbitrary, reputation-damaging actions and ensuring their property interest in education is not wrongfully deprived.

Further, once reported to their schools, children who are suspects for these offenses—felonies or crimes of violence—may be 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 operating as extensions of the youth legal system rather than places of care, stability, and learning.

We urge the committee to oppose House Bill 198. 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.

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, and to protect students' rights, privacy, and access to education, CRSD urges **an unfavorable report on HB 198**. For more information contact: CRSDMaryland@gmail.com

- ACLU of Maryland
- Advance Maryland
- Center for Criminal Justice Reform, University of Baltimore School of Law
- Center for Violence Prevention, University of Maryland, Baltimore
- Disability Rights Maryland
- Ed Trust
- Maryland Alliance for Racial Equity and Justice
- Maryland Office of the Public Defender
- Maryland Center on Economic Policy
- League of Women Voters of Maryland
- Out for Justice
- Project HEAL (Health, Education, Advocacy, and Law), Kennedy Krieger
- Public Justice Center
- Racial Justice NOW
- The Sayra and Neil Meyerhoff Center for Families, Children and the Courts at the University of Baltimore School of Law
- Schools Not Jails
- Strong Schools Maryland
- The Choice Program