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House Bill 123: SCHOOL SYSTEMS - REPORTABLE OFFENSES – ALTERATIONS
Hearing before the House Committee on Ways and Means
February 5, 2026

Position: UNFAVORABLE

The Public Justice Center (PJC) is a nonprofit legal services organization which advocates for social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC's Education Stability Project upholds the rights of Maryland students, with a particular focus on historically excluded and underserved students, through individual legal representation, community outreach, and systemic advocacy.

The PJC opposes House Bill 123, which seeks to expand the number of criminal offenses in Maryland's reportable offense statute. Maryland's reportable offense statute allows school districts to remove students from school based on an arrest or charge for certain conduct outside of school. HB 123 would expand the list of criminal offenses covered in this statute in a way that is overly broad, would harm students, families, and schools, and does not advance public safety.

Expanding reportable offenses does not make schools safer, negatively affects school climate and academic achievement, and disproportionately harms historically marginalized students. Research shows that overuse of exclusionary school discipline and other forms of school pushout harms school climate and hinders achievement for all students. Accordingly, the Maryland State Board of Education's policy is that school removal is a last-resort option that should be limited to the furthest extent possible. Expansion of reportable offenses runs counter to this policy and would disproportionately harm Black and brown students and students with disabilities. Racial bias is present at every stage of the criminal legal process and is compounded in the reportable offense process, which involves a series of discretionary decisions. This culminates in Black students being 4.1 times more likely to be reported to their school for a reportable offense and 3 times more likely to be removed from school than white peers—disparities that cannot be explained by different rates of student misbehavior as studies show that all students misbehave at roughly the same rate.

The General Assembly should defer to the Maryland State Department of Education (MSDE) and the Commission on Juvenile Justice Reform and Emerging and Best Practices. Rather than enacting ill-advised changes to Maryland's reportable offense statute, the General Assembly should defer to MSDE and the Commission on Juvenile Justice Reform and Emerging and Best Practices, both of which are already in the process of developing guidance and recommendations on reportable offenses. These entities are better positioned to make informed policy decisions that advance public safety and equity, and passing HB 123 would interfere with their efforts.

For these reasons, the PJC strongly urges an unfavorable report House Bill 123.

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