

Testimony Concerning House Bill 198
School Systems-Reportable Offenses-Notification of Student as Suspect
Position: Unfavorable

To: Delegate Jheanelle K. Wilkins, Chair
Delegate Jessica Feldmark, Vice Chair
Members of the Ways and Means Committee

From: Kezia McDonald-McNeal, Student Fellow, Monique L. Dixon, Executive
Director and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and
the Law

Date: February 9, 2026

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit written testimony raising substantial concerns about House Bill 198 (HB 198). HB 198 would expand Maryland’s reportable offense notification systems by requiring law enforcement agencies to notify the State’s Attorney within 24 hours whenever a student is identified as a suspect in an investigation of conduct that, if committed by an adult, would constitute a felony or crime of violence, and allowing the State’s Attorney to notify the local superintendent or designee of that status. The bill would also require the State’s Attorney to notify the school if the student is no longer determined to be a suspect.

We respectfully urge you to issue an unfavorable vote on HB 198 for two reasons. First, HB 198 would needlessly expose more students to school removal based on being identified as a “suspect” of a crime. Second, HB 198 will exacerbate existing racial, gender, and disability disparities among students who are arrested for reportable offenses and risk school removal.

The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with gender or disability, and advances racial justice in a variety of issue areas, including the education and youth and criminal legal systems.

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law, the University of Maryland, Baltimore, or the University System of Maryland.

HB 198 Would Needlessly Expose Students to School Removal Merely Because Law Enforcement Suspects the Student Committed a Crime.

Section 7-303 of the Maryland Education Code requires law enforcement agencies to timely and confidentially notify school officials of the arrest of and charge(s) filed against students for a reportable offense, including crimes of violence.² Upon receipt of this information, the school principal, in consultation with appropriate school staff, must consider whether the student should be removed from school because the student “presents an imminent threat of serious harm to other students or staff.”³

If the school principal believes the student presents a safety risk, then the principal must immediately work with the student, the student’s parent or guardian, and the student’s attorney (if the student has legal representation) to develop a plan that both provides for appropriate educational programming and services for the student and maintains a safe learning environment for all students.⁴ This plan may include removing the student from a regular school program, but only after an individualized educational and safety assessment is performed.⁵ Notably, this assessment is required because Maryland law makes clear that a reportable offense cannot be the *sole* basis for excluding a student from traditional in-person education.⁶

Students removed from the classroom lose instructional time, have reduced access to teachers and services, and are more likely to fall behind academically or disengage from school.⁷ In practice, when students are removed from in-person instruction, schools often rely on “alternative” options such as virtual learning or home-based instruction. These options are not equivalent to classroom learning.

HB 198 would expand the pool of students exposed to school removal and the associated harms by allowing state’s attorneys to notify school officials when students are merely suspected of committing a crime. This notification would trigger the requirement that schools conduct an individualized educational and school safety assessment of that student, even though the student has not been charged or arrested. Indeed, it would be extraordinarily difficult for a school to determine that a student “presents an imminent threat of serious harm to other students and staff” if the student is only suspected of a crime. Because a criminal investigation may not result in arrest or charges, a suspect-based notification scheme will necessarily encompass students who ultimately are not charged or arrested. Yet those students may needlessly—and unfairly—be removed from school while investigations are pending.

² MD. CODE ANN, EDUC. §7-303(b).

³ See, COMAR 13A.08.01.17.D(1).

⁴ See, COMAR 13A.08.01.17.C(3) – (5).

⁵ See, COMAR 13A.08.01.17.D.

⁶ See, COMAR 13A.08.01.17.D(2).

⁷ See generally, Julia H. Kaufman and Melissa Kay Diliberti, *Divergent and Inequitable Teaching and Learning Pathways During (and Perhaps Beyond) the Pandemic Key Findings from the American Educator Panels Spring 2021 COVID-19 Surveys* (May 2021), https://www.rand.org/pubs/research_reports/RRA168-6.html.

HB 198 Would Likely Exacerbate Existing Racial, Gender, and Disability Disparities Among Students Accused of Reportable Offenses.

In Maryland, Black students, students of two or more races, boys, and students with disabilities are disproportionately arrested for reportable offenses. HB 198's provision that allows state's attorneys to notify school officials of students suspected of reportable offenses will likely exacerbate these disparities. Specifically, during the 2023-24 school year:

- Black students and students of two or more races comprised 65% and 9% of students arrested for reportable offenses incidents⁸ even though they represented only 32% and 5% of the statewide student population that school year.⁹
- Boys represented 73% of students arrested for reportable offenses incidents,¹⁰ but 51% of the statewide student population.¹¹
- Students with disabilities represented 39% of students arrested for reportable offenses incidents,¹² but 13% of the statewide student population during the 2023-24 school year.¹³

Although state data about the number of reportable offenses incidents that resulted in the alteration to or removal of students from regular school programs are not disaggregated by race, gender, or disability, the overrepresentation of these student groups among students who were arrested or charged for reportable offenses is concerning and would likely extend to students suspected of these offenses.

For the above reasons, we respectfully request that the Committee issue an unfavorable report on HB 198.

⁸ See, Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024*, 10 & 18 (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). [hereafter, *School Year 2023-2024 Reportable Offenses Data*].

⁹ Maryland State Department of Education, Maryland State 2023-2024 School Report Card, Demographics/Enrollment (*2023-2024 Report Card, Demographics*) (2024), <https://reportcard.msde.maryland.gov/Graphs/#/Demographics/Enrollment/3/17/6/99/XXXX/2024>.

¹⁰ *School Year 2023-2024 Reportable Offenses*, *supra* note 8, at 10 & 19.

¹¹ *2023-2024 School Report Card, Demographics*, *supra* note 9.

¹² *School Year 2023-2024 Reportable Offenses*, *supra* note 8, at 10 & 20.

¹³ Maryland State Department of Education, Maryland State 2023-2024 School Report Card, Demographics/Student Group Populations <https://reportcard.msde.maryland.gov/Graphs/#/Demographics/StudentPopulation/1/2/99/XXXX/2024>