

Testimony Concerning House Bill 123
School Systems-Reportable Offenses-Alternations
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 3, 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 concerns about House Bill 123 (HB 123). The bill would amend Maryland’s education article relating to reportable offenses by, among other things: expanding the list of offenses that must be reported to schools and may lead to students being removed from school; adding institutions of higher education (IHE) and higher education programs, specifically dual enrollment programs, to the definition of school systems, thereby allowing IHEs to receive certain information about reportable offenses; and requiring schools to report annually the extent to which a student arrested for a reportable offense had their dual enrollment program altered or was removed from the program.

We respectfully urge you to issue an unfavorable vote on HB 123 for several reasons. First, HB 123 needlessly increases the number of reportable offenses at a time when student arrests on and off school grounds have generally declined in the past three years. Second, HB 123’s expansion of the definition of “school system” to include IHE’s dual enrollment programs and thereby allowing these institutions to receive information about the disposition of a reportable offense, is misaligned with other Maryland state law. Lastly, HB 123 will likely continue to lead to a disproportionate number of arrests for students of color, students with disabilities, and boys.

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.

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 sex or disability, and advances racial justice in a variety of issues areas, including the education and youth and criminal legal systems.

House Bill 123 Unnecessarily Expands the List of Reportable Offenses and Risks the Removal of Students from Schools

HB 123 would amend Maryland’s reportable offenses statute, which requires law enforcement to report to certain school officials offenses that a student committed, or allegedly committed, off school grounds. Once school officials receive information about a student’s arrest, they may consider changing the student’s regular school program if they determine that a student’s continued attendance at school presents a risk to school safety. The bill proposes to expand the list of reportable offenses under Maryland law. However, the available data does not demonstrate a need for such an expansion. The recent statewide student arrest data shows an overall decline in student arrests both on and off school grounds. According to the Maryland State Department of Education (“MSDE”) annual student arrest reports, the total number of student arrests statewide have generally declined, decreasing 28% from 2,187 in the 2021-2022 school year to 1,568 in the 2022-2023 school year.² This downward trend persists even when considering the most recent data from the 2023-24 school year showing 1,639 total student arrests, which remains substantially lower than the 2,187 arrests reported during the 2021-2022 school year.³

Student arrests for reportable offenses occurring off school grounds, which is the subject of this bill, form only a small subset of total arrests and have also generally declined. Specifically, these arrests decreased from 184 during the 2021-22 school year to 100 in 2022-23, and remained essentially flat at 101 in 2023-24, comprising only 6% of all arrests that school year. This figure underscores that student arrests occurring off school grounds are not driving an overall increase in arrests.

Given this trend of declining overall arrests and the relatively modest number of off-school-ground arrests, expanding the number of reportable offenses is not supported by the data.

²See Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2021-2022*, 7 (March 2023), <https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20212022.pdf>, [hereafter, *School Year 2021-2022 Reportable Offenses Data*]; See also, Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2022-2023* 7 (April 2024), https://www.marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20222023-A.pdf?utm_source=chatgpt.co, [hereafter, *School Year 2022-2023 Reportable Offenses Data*]

³ See, Maryland State Department of Education, *Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024*, 7 (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*]; See also, *School Year 2021-2022 Reportable Offenses Data*

Requiring law enforcement officers to report additional offenses that occur off school grounds risks imposing unnecessary reporting obligations without evidence of a growing safety concern and places more students at risk of being removed from school.

Expanding arrest notifications to IHEs is misaligned with Maryland law that prohibits IHEs from considering criminal records in the admissions process.

By adding IHE’s dual enrollment programs to the definition of school systems, HB 123 would allow local school districts to send these institutions information about students with reportable offenses if the student arrest results in a conviction, an adjudication of delinquency or if a criminal charge or delinquency petition is pending. While the bill would also require the dual enrollment program to use the information only for the purposes of the statute, i.e., to consider whether the students school program should be altered or changed for safety purposes, the information may inadvertently be used for other purposes. For example, if the student decides to apply for admission to the IHE where the student was dually enrolled, Maryland law prohibits IHEs from considering a student’s criminal history in admissions.⁴ Also, any sharing of arrest-related information risks stigmatizing students and creating barriers to their educational opportunities.

The Maryland Fair Access to Education Act of 2017⁵ limits the use of criminal history questions in higher education applications and reflects a legislative judgment that justice-system involvement should not serve as a barrier to higher education. This “ban the box” approach ensures that applicants are evaluated on their merits first and remove barriers to higher education. While the law allows institutions to inquire about criminal history after an initial offer of admission, this is generally for evaluating campus residency or specific safety-related activities.⁶

HB 123 would compel disclosure of information that IHEs would not be allowed to access during the admissions process. It would create a regime in which IHEs receive criminal history information about high school students that they could not lawfully request from applicants themselves. Moreover, it would jeopardize the chances of admission to any dually enrolled student with a reportable offense who subsequently applies to the same higher education institutions. If enacted, HB 123 would conflict with Maryland law.

HB 123’s Expansion of Reportable Offenses Will Continue to Disproportionately Burden Black Students and Students with Disabilities.

Black students, students of two or more races, boys, and students with disabilities are disproportionately arrested for reportable offenses. HB 123’s expansion of the number of reportable offenses will likely exacerbate these disparities. Specifically, during the 2023-24 school year:

⁴ See, Md. Code Ann, Educ. §§ 26-501 to 25-506 (2021).

⁵ See, Md. Code Ann., Educ. § 26-504 (2021)

- Black students and students of two or more races comprised 65% and 9% of students arrested for reportable offenses incidents ⁷ even though they represented only 32% and 5% of the statewide student population that school year. ⁸
- Boys represented 73% of students arrested for reportable offenses incidents,⁹ but 51% of the statewide student population.¹⁰
- Students with disabilities represented 39% of students arrested for reportable offenses incidents,¹¹ but 13% of the statewide student population during the 2023-24 school year.¹²

Although 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, sex, or disability, the overrepresentation of these student groups among students who were arrested for reportable offenses is concerning.

For the above reasons, we urge the Ways and Means Committee to issue an unfavorable report for HB 123.

⁷ *School Year 2023-2024 Reportable Offenses*, *supra* note 3 at 10.

[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).

⁸ 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>.

⁹ *School Year 2023-2024 Reportable Offenses*, *supra* note 3, at 10 & 19.

¹⁰ *2023-2024 School Report Card, Demographics*, *supra* note 8

¹¹ *School Year 2023-2024 Reportable Offenses*, *supra* note 3, at 10 & 20.

¹² 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>