

SENATE BILL 713

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2001 Regular Session  
(11r2706)

**ENROLLED BILL**  
-- Economic and Environmental Affairs/Judiciary --

Introduced by **Senator Roesser**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER 618

1 AN ACT concerning

2 **Arrest of a Student - Transfer to Another School System - Notification**  
3 **Required**

4 FOR the purpose of ~~requiring~~ authorizing a local superintendent with certain  
5 information regarding a child arrested for certain offenses to provide this  
6 information to the local superintendent of a certain school system in the event of  
7 a certain transfer under certain circumstances; requiring a local superintendent  
8 who, under certain circumstances, provides information regarding a child  
9 arrested for certain offenses to another local superintendent to provide  
10 information regarding any educational programming and related services  
11 provided to the child; and generally relating to ~~a requirement that the authority~~  
12 of a local superintendent to provide certain student arrest information to a  
13 certain local superintendent under a certain circumstance ~~circumstances~~ circumstances.

14 BY repealing and reenacting, with amendments,  
15 Article - Education  
16 Section 7-303

1 Annotated Code of Maryland  
2 (1999 Replacement Volume and 2000 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Education**

6 7-303.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) "Law enforcement agency" means the law enforcement agencies  
9 listed in Article 27, § 727(b) of the Code.

10 (3) "Local school system" means the schools and school programs under  
11 the supervision of the local superintendent.

12 (4) "Local superintendent" means the county superintendent, for the  
13 county in which a child is enrolled, or a designee of the superintendent, who is an  
14 administrator.

15 (5) "Reportable offense" means:

16 (i) A crime of violence, as defined in Article 27, § 643B of the Code;

17 (ii) Any of the offenses enumerated in § 3-804(e)(4) of the Courts  
18 Article;

19 (iii) A violation of Article 27, § 36, § 36A, or § 36B of the Code;

20 (iv) A violation of Article 27, § 286, § 286A, § 286B, § 286C, or §  
21 286D of the Code; or

22 (v) A violation of Article 27, § 139C, § 151A, or § 151C of the Code.

23 (b) If a child enrolled in the public school system is arrested for a reportable  
24 offense, the law enforcement agency making the arrest shall notify the local  
25 superintendent of the arrest and the charges within 24 hours of the arrest or as soon  
26 as practicable.

27 (c) The State's Attorney shall promptly notify the local superintendent of the  
28 disposition of the reportable offense required to be reported under subsection (b) of  
29 this section.

30 (d) Except by order of a juvenile court or other court upon good cause shown,  
31 the information obtained by a local superintendent pursuant to subsections (b) and (c)  
32 of this section:

1 (1) Is confidential and may not be redisclosed by subpoena or otherwise  
2 except as provided pursuant to ~~subsection (e)~~ SUBSECTIONS (E) AND (F) of this section;  
3 and

4 (2) May not be made part of the child's permanent educational record.

5 (E) (1) NOTWITHSTANDING THE PROVISIONS OF SECTION (D) SUBSECTION  
6 (D) OF THIS SECTION, NOTHING SHALL PROHIBIT A LOCAL SUPERINTENDENT FROM  
7 TRANSMITTING THE INFORMATION OBTAINED PURSUANT TO SUBSECTIONS (B) AND  
8 (C) OF THIS SECTION AS A CONFIDENTIAL FILE TO THE LOCAL SUPERINTENDENT OF  
9 ANOTHER PUBLIC SCHOOL SYSTEM IN THE STATE IN WHICH THE STUDENT HAS  
10 ENROLLED OR BEEN TRANSFERRED IN ORDER TO CARRY OUT THE PURPOSES OF  
11 THIS SECTION IF THE DISPOSITION OF THE REPORTABLE OFFENSE WAS A  
12 CONVICTION OR AN ADJUDICATION OF DELINQUENCY OR THE CRIMINAL CHARGE OR  
13 DELINQUENCY PETITION IS STILL PENDING.

14 (2) A LOCAL SUPERINTENDENT WHO TRANSMITS INFORMATION ABOUT  
15 A CHILD UNDER THIS SUBSECTION SHALL INCLUDE IN THE TRANSMITTAL  
16 INFORMATION REGARDING ANY EDUCATIONAL PROGRAMMING AND RELATED  
17 SERVICES PROVIDED TO THE CHILD.

18 [(e)] (F) [By no later than September 1, 1995, the] THE State Board shall  
19 adopt regulations to ensure that information obtained by a local superintendent  
20 under subsections (b), [and] (c), AND (E) of this section is:

21 (1) Used to provide appropriate educational programming and related  
22 services to the child and to maintain a safe and secure school environment for  
23 students and school personnel; and

24 (2) Transmitted only to the school principal of the school in which the  
25 child is enrolled and other school personnel necessary to carry out the purposes set  
26 forth in item (1) of this subsection.

27 [(f)] (G) Nothing in this section is intended to limit the manner in which a  
28 local school obtains information or uses information obtained by any lawful means  
29 other than that set forth in subsections (b), [and] (c), AND (E) of this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2001.