
By: **Delegates King, Barkley, G. Clagett, Cryor, Dumais, Feldman, Gilleland, Gutierrez, Kaiser, Kelley, Lee, Mandel, Montgomery, Murray, Petzold, and Simmons**

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Assigned to: Ways and Means

Reassigned: Judiciary, January 26, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2005

CHAPTER _____

1 AN ACT concerning

2 **Education - Arrest for Reportable Offenses - Notification**

3 FOR the purpose of expanding the requirement that law enforcement agencies notify
4 local superintendents of public schools of arrests for reportable offenses to
5 include arrests of all students; defining a certain term; making technical
6 corrections; declaring the intent of the General Assembly; and generally relating
7 to notification of arrests for reportable offenses to local superintendents of
8 public schools.

9 BY repealing and reenacting, with amendments,
10 Article - Education
11 Section 7-303
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2004 Supplement)

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

16 **Article - Education**

17 7-303.

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

1 (2) "Law enforcement agency" means the law enforcement agencies
2 listed in § 3-101(e) of the Public Safety Article.

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

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

8 (5) "Reportable offense" means:

9 (i) A crime of violence, as defined in § 14-101 of the Criminal Law
10 Article;

11 (ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the Courts
12 Article;

13 (iii) A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the
14 Criminal Law Article;

15 (iv) A violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614,
16 § 5-617, § 5-618, § 5-627, or § 5-628 of the Criminal Law Article; or

17 (v) A violation of § 4-503, § 9-504, or § 9-505 of the Criminal Law
18 Article.

19 (6) "STUDENT" MEANS AN INDIVIDUAL ENROLLED IN A PUBLIC SCHOOL
20 SYSTEM IN THE STATE WHO IS 5 YEARS OF AGE OR OLDER AND UNDER ~~24~~ 22 YEARS
21 OF AGE.

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

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

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

32 (1) Is confidential and may not be redisclosed by subpoena or otherwise
33 except as provided pursuant to subsections (e) and (f) of this section; and

34 (2) May not be made part of the [child's] STUDENT'S permanent
35 educational record.

1 (e) (1) Notwithstanding the provisions of subsection (d) of this section,
2 nothing shall prohibit a local superintendent from transmitting the information
3 obtained pursuant to subsections (b) and (c) of this section as a confidential file to the
4 local superintendent of another public school system in the State in which the student
5 has enrolled or been transferred in order to carry out the purposes of this section if
6 the disposition of the reportable offense was a conviction or an adjudication of
7 delinquency or the criminal charge or delinquency petition is still pending.

8 (2) A local superintendent who transmits information about a [child]
9 STUDENT under this subsection shall include in the transmittal information
10 regarding any educational programming and related services provided to the [child]
11 STUDENT.

12 (f) The State Board shall adopt regulations to ensure that information
13 obtained by a local superintendent under subsections (b), (c), and (e) of this section is:

14 (1) Used to provide appropriate educational programming and related
15 services to the [child] STUDENT and to maintain a safe and secure school
16 environment for students and school personnel; and

17 (2) Transmitted only to the school principal of the school in which the
18 [child] STUDENT is enrolled and other school personnel necessary to carry out the
19 purposes set forth in item (1) of this subsection.

20 (g) Nothing in this section is intended to limit the manner in which a local
21 school obtains information or uses information obtained by any lawful means other
22 than that set forth in subsections (b), (c), and (e) of this section.

23 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
24 General Assembly that nothing in this section shall be construed to alter the age at
25 which an individual is eligible for education and related services under the Education
26 Article.

27 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2005.