

SENATE BILL 876

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71r2637
CF 71r2638

By: **Senator Stone**

Introduced and read first time: February 21, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Suspected Child Abuse by Employee or Independent Contractor**
3 **– Notice to Nonpublic Schools**

4 FOR the purpose of providing that certain provisions relating to the disclosure of a
5 report or record of suspected child abuse to public schools be made applicable to
6 private schools; designating which individuals in nonpublic schools are to
7 receive certain reports or records; providing for the effective date of certain
8 provisions of this Act; providing for the termination of certain provisions of this
9 Act; and generally relating to the disclosure of reports or records of suspected
10 child abuse.

11 BY repealing and reenacting, with amendments,
12 Article 88A – Department of Human Resources
13 Section 6(b)(2)(vii)
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Human Services
18 Section 1–202(a)
19 Annotated Code of Maryland
20 (As enacted by Chapter ____ (S.B. 6) of the Acts of the General Assembly of
21 2007)

22 BY repealing and reenacting, with amendments,
23 Article – Human Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–202(c)(1)(vii)
 2 Annotated Code of Maryland
 3 (As enacted by Chapter _____ (S.B. 6) of the Acts of the General Assembly of
 4 2007)

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

7 **Article 88A – Department of Human Resources**

8 6.

9 (b) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family
 10 Law Article, and § 6A of this subtitle, and this section, all records and reports
 11 concerning child abuse or neglect are confidential, and their unauthorized disclosure is
 12 a criminal offense subject to the penalty set out in subsection (e) of this section.
 13 Reports or records concerning child abuse or neglect:

14 (2) May be disclosed on request:

15 (vii) To the appropriate public school superintendent **OR THE**
 16 **PRINCIPAL OR EQUIVALENT EMPLOYEE OF A NONPUBLIC SCHOOL THAT HOLDS**
 17 **A CERTIFICATE OF APPROVAL FROM THE STATE OR IS REGISTERED WITH THE**
 18 **STATE DEPARTMENT OF EDUCATION** for the purpose of carrying out appropriate
 19 personnel or administrative actions following a report of suspected child abuse
 20 involving a student committed by:

21 1. A public school employee in that school system;

22 **2. AN EMPLOYEE OF THAT NONPUBLIC SCHOOL;**

23 [2.] **3.** An independent contractor who supervises or works
 24 directly with students in that school system **OR THAT NONPUBLIC SCHOOL;** or

25 [3.] **4.** An employee of an independent contractor, including
 26 a bus driver or bus assistant, who supervises or works directly with students in that
 27 school system **OR THAT NONPUBLIC SCHOOL;**

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 29 read as follows:

30 **Article – Human Services**

1 1-202.

2 (a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family
3 Law Article, § 1-203 of this subtitle, and this section, a person may not disclose a
4 report or record concerning child abuse or neglect.

5 (c) A report or record concerning child abuse or neglect:

6 (1) may be disclosed on request to:

7 (vii) the appropriate public school superintendent **OR THE**
8 **PRINCIPAL OR EQUIVALENT EMPLOYEE OF A NONPUBLIC SCHOOL THAT HOLDS**
9 **A CERTIFICATE OF APPROVAL FROM THE STATE OR IS REGISTERED WITH THE**
10 **STATE DEPARTMENT OF EDUCATION** to carry out appropriate personnel or
11 administrative actions following a report of suspected child abuse involving a student
12 committed by:

13 1. a public school employee in that school system;

14 **2. AN EMPLOYEE OF THAT NONPUBLIC SCHOOL;**

15 [2.] **3.** an independent contractor who supervises or works
16 directly with students in that school system **OR THAT NONPUBLIC SCHOOL;** or

17 [3.] **4.** an employee of an independent contractor, including
18 a bus driver or bus assistant, who supervises or works directly with students in that
19 school system **OR THAT NONPUBLIC SCHOOL;**

20 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
21 take effect on the taking effect of Chapter ___ (S.B. 6) of the Acts of the General
22 Assembly of 2007. If Section 2 of this Act takes effect, Section 1 of this Act shall be
23 abrogated and of no further force and effect.

24 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
25 of Section 3 of this Act, this Act shall take effect July 1, 2007.