

SENATE BILL 713

Unofficial Copy
F1

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 _____

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.

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.