

SENATE BILL 713

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2001 Regular Session
1r2706

By: **Senator Roesser**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring a local superintendent with certain information
5 regarding a child arrested for certain offenses to provide this information to the
6 local superintendent of a certain school system in the event of a certain transfer;
7 and generally relating to a requirement that a local superintendent provide
8 certain student arrest information to a certain local superintendent under a
9 certain circumstance.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 7-303
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

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

17 **Article - Education**

18 7-303.

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

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

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

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

27 (5) "Reportable offense" means:

- 1 (i) A crime of violence, as defined in Article 27, § 643B of the Code;
- 2 (ii) Any of the offenses enumerated in § 3-804(e)(4) of the Courts
3 Article;
- 4 (iii) A violation of Article 27, § 36, § 36A, or § 36B of the Code;
- 5 (iv) A violation of Article 27, § 286, § 286A, § 286B, § 286C, or §
6 286D of the Code; or
- 7 (v) A violation of Article 27, § 139C, § 151A, or § 151C of the Code.

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

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

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

18 (1) Is confidential and may not be redisclosed by subpoena or otherwise
19 except as provided pursuant to subsection (e) of this section; and

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

21 (E) NOTWITHSTANDING THE PROVISIONS OF SECTION (D), NOTHING SHALL
22 PROHIBIT A SUPERINTENDENT FROM TRANSMITTING THE INFORMATION OBTAINED
23 PURSUANT TO SUBSECTIONS (B) AND (C) AS A CONFIDENTIAL FILE TO ANOTHER
24 PUBLIC SCHOOL SYSTEM IN THE STATE IN WHICH THE STUDENT HAS ENROLLED OR
25 BEEN TRANSFERRED IN ORDER TO CARRY OUT THE PURPOSES OF THIS SECTION.

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

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

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

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

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