

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 8, 2001

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; and generally relating to ~~a requirement that~~ the authority of
8 a local superintendent to provide certain student arrest information to a certain
9 local superintendent under a 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.

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

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

6 (5) "Reportable offense" means:

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

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

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

11 (iv) A violation of Article 27, § 286, § 286A, § 286B, § 286C, or §
12 286D of the Code; or

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

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

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

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

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

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

28 (E) NOTWITHSTANDING THE PROVISIONS OF ~~SECTION (D)~~ SUBSECTION (D) OF
29 THIS SECTION, NOTHING SHALL PROHIBIT A LOCAL SUPERINTENDENT FROM
30 TRANSMITTING THE INFORMATION OBTAINED PURSUANT TO SUBSECTIONS (B) AND
31 (C) OF THIS SECTION AS A CONFIDENTIAL FILE TO THE LOCAL SUPERINTENDENT OF
32 ANOTHER PUBLIC SCHOOL SYSTEM IN THE STATE IN WHICH THE STUDENT HAS
33 ENROLLED OR BEEN TRANSFERRED IN ORDER TO CARRY OUT THE PURPOSES OF
34 THIS SECTION.

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

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

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

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

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