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

Introduced and read first time: January 24, 2005

Assigned to: Ways and Means

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A BILL ENTITLED

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; and generally relating to notification of arrests for reportable  
7 offenses to local superintendents of public schools.

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

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

15 **Article - Education**

16 7-303.

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

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

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

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

25 (5) "Reportable offense" means:

- 1 (i) A crime of violence, as defined in § 14-101 of the Criminal Law  
2 Article;
- 3 (ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the Courts  
4 Article;
- 5 (iii) A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the  
6 Criminal Law Article;
- 7 (iv) A violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614,  
8 § 5-617, § 5-618, § 5-627, or § 5-628 of the Criminal Law Article; or
- 9 (v) A violation of § 4-503, § 9-504, or § 9-505 of the Criminal Law  
10 Article.

11 (6) "STUDENT" MEANS AN INDIVIDUAL ENROLLED IN A PUBLIC SCHOOL  
12 SYSTEM IN THE STATE WHO IS 5 YEARS OF AGE OR OLDER AND UNDER 21 YEARS OF  
13 AGE.

14 (b) If a [child enrolled in the public school system] STUDENT is arrested for a  
15 reportable offense, the law enforcement agency making the arrest shall notify the  
16 local superintendent of the arrest and the charges within 24 hours of the arrest or as  
17 soon 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 subsections (e) and (f) of this section; and

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

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

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

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2005.