
By: **Delegate Petzold**

Introduced and read first time: February 9, 2006

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Protection for Victims - Duties of Local Superintendent**

3 FOR the purpose of authorizing a local superintendent of education to transfer
4 certain students under certain circumstances; requiring a local superintendent
5 to reevaluate and reexamine certain transfers under certain circumstances;
6 defining certain terms; requiring the State Board of Education to adopt certain
7 regulations on or before a certain date; and generally relating to protection for
8 victims and duties of local superintendents.

9 BY adding to

10 Article - Education

11 Section 7-303.1

12 Annotated Code of Maryland

13 (2004 Replacement Volume and 2005 Supplement)

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

16 **Article - Education**

17 7-303.1.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "LOCAL SUPERINTENDENT" MEANS THE COUNTY SUPERINTENDENT
21 FOR THE COUNTY IN WHICH A CHILD IS ENROLLED, OR A DESIGNEE OF THE
22 SUPERINTENDENT, WHO IS AN ADMINISTRATOR.

23 (3) "NO-CONTACT PROVISION" MEANS:

24 (I) AN ORDER OF COURT DIRECTING A STUDENT OFFENDER NOT
25 TO HAVE CONTACT WITH A VICTIM; OR

1 (II) AN AGREEMENT IN AN INFORMAL ADJUSTMENT BY AN INTAKE
2 OFFICE REGARDING THE ALLEGED COMMISSION OF A DELINQUENT ACT THAT
3 DIRECTS AN OFFENDER NOT TO HAVE CONTACT WITH A VICTIM.

4 (4) "OFFENDER" MEANS:

5 (I) A STUDENT ALLEGED TO HAVE COMMITTED A CRIME OR WHO
6 IS CONVICTED OF A CRIME;

7 (II) A STUDENT ALLEGED TO HAVE COMMITTED A DELINQUENT
8 ACT OR WHO IS FOUND TO HAVE COMMITTED A DELINQUENT ACT;

9 (III) A STUDENT WHO HAS BEEN REPORTED BY A LAW
10 ENFORCEMENT AGENCY FOR COMMITTING A REPORTABLE OFFENSE UNDER § 7-303
11 OF THIS SUBTITLE;

12 (IV) A STUDENT SUBJECT TO A PROTECTIVE ORDER; OR

13 (V) A STUDENT SUBJECT TO A PEACE ORDER.

14 (5) "STUDENT" MEANS AN INDIVIDUAL ENROLLED IN A PUBLIC SCHOOL
15 SYSTEM IN THE STATE WHO IS 5 YEARS OF AGE OR OLDER AND UNDER 22 YEARS OF
16 AGE.

17 (6) (I) "VICTIM" MEANS:

18 1. A STUDENT WHO SUFFERS DIRECT OR THREATENED
19 PHYSICAL OR EMOTIONAL HARM AS A RESULT OF A CRIME OR DELINQUENT ACT;

20 2. A STUDENT AGAINST WHOM AN ACT SPECIFIED IN §
21 3-8A-19.1(B) OF THE COURTS ARTICLE IS COMMITTED OR ALLEGED TO HAVE BEEN
22 COMMITTED;

23 3. A STUDENT WHO HAS OBTAINED A PROTECTIVE ORDER
24 FROM A COURT; OR

25 4. A STUDENT WHO HAS OBTAINED A PEACE ORDER FROM A
26 COURT.

27 (II) "VICTIM" INCLUDES A PARENT OR GUARDIAN OF A MINOR OR
28 DISABLED STUDENT.

29 (B) (1) IF AN OFFENDER WHO HAS A NO-CONTACT PROVISION REGARDING A
30 VICTIM IS ENROLLED IN THE SAME SCHOOL AS THE VICTIM, THE LOCAL
31 SUPERINTENDENT SHALL AT THE REQUEST OF THE VICTIM:

32 (I) TRANSFER THE OFFENDER TO ANOTHER SCHOOL;

33 (II) TRANSFER THE VICTIM TO ANOTHER SCHOOL; OR

1 (III) TAKE ANY OTHER ACTION THE LOCAL SUPERINTENDENT
2 CONSIDERS NECESSARY TO PROTECT THE SAFETY AND SECURITY OF THE VICTIM
3 AND THE ENTIRE STUDENT BODY.

4 (2) IF AN OFFENDER DOES NOT HAVE A NO-CONTACT PROVISION
5 REGARDING THE VICTIM, THE LOCAL SUPERINTENDENT SHALL AT THE REQUEST OF
6 THE VICTIM:

7 (I) CONSIDER THE SAFETY AND SECURITY OF THE STUDENTS,
8 INCLUDING THE VICTIM, ENROLLED IN THE SAME SCHOOL AS THE OFFENDER;

9 (II) HOLD A HEARING TO ALLOW THE VICTIM AND OFFENDER AN
10 OPPORTUNITY TO PRESENT EVIDENCE OR INFORMATION RELATING TO THE
11 INCIDENT; AND

12 (III) GIVE PRIORITY CONSIDERATION TO THE POSITION OF THE
13 VICTIM.

14 (C) IF AN OFFENDER DOES NOT HAVE A NO-CONTACT PROVISION REGARDING
15 A VICTIM, A LOCAL SUPERINTENDENT ON REQUEST OF A VICTIM MAY TRANSFER THE
16 OFFENDER TO ANOTHER SCHOOL FOR SAFETY AND SECURITY CONCERNS.

17 (D) IF THE OFFENDER IS ADJUDICATED AND FOUND NOT GUILTY OR NOT
18 DELINQUENT, THE LOCAL SUPERINTENDENT SHALL:

19 (1) REEVALUATE THE TRANSFER OF THE OFFENDER OR VICTIM;

20 (2) REEXAMINE SAFETY AND SECURITY CONCERNS SURROUNDING THE
21 INCIDENT;

22 (3) HOLD A HEARING TO ALLOW THE VICTIM AND OFFENDER AN
23 OPPORTUNITY TO PRESENT EVIDENCE OR INFORMATION RELATING TO THE
24 INCIDENT; AND

25 (4) TAKE ANY REASONABLE ACTION THE LOCAL SUPERINTENDENT
26 CONSIDERS NECESSARY TO MAINTAIN A SAFE AND SECURE SCHOOL ENVIRONMENT
27 FOR STUDENTS AND SCHOOL PERSONNEL AND TO PROVIDE APPROPRIATE
28 EDUCATIONAL PROGRAMS TO STUDENTS.

29 (E) THE STATE BOARD SHALL ADOPT REGULATIONS TO:

30 (1) ENSURE THAT INFORMATION OBTAINED BY A LOCAL
31 SUPERINTENDENT UNDER THIS SECTION IS USED TO PROVIDE APPROPRIATE
32 EDUCATIONAL PROGRAMS AND RELATED SERVICES TO THE STUDENTS AND TO
33 MAINTAIN A SAFE AND SECURE SCHOOL ENVIRONMENT FOR STUDENTS AND
34 SCHOOL PERSONNEL;

35 (2) ENSURE THAT INFORMATION OBTAINED BY A LOCAL
36 SUPERINTENDENT IS TRANSMITTED ONLY TO THE SCHOOL PRINCIPAL OR OTHER

1 PERSONNEL RESPONSIBLE FOR CARRYING OUT THE PURPOSE OF THIS SECTION AT
2 THE SCHOOL IN WHICH THE STUDENT IS ENROLLED OR TRANSFERRED; AND

3 (3) REQUIRE THAT A LOCAL SUPERINTENDENT CONSIDER THE
4 INTERESTS OF VICTIMS TO PROVIDE A SCHOOL ENVIRONMENT WHERE A VICTIM AND
5 THE ENTIRE STUDENT BODY ARE SAFE AND SECURE FROM OFFENDERS.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of
7 Education shall adopt the regulations required under this Act on or before October 1,
8 2006.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2006.