

HOUSE BILL 88

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71r0323

By: **Delegates Shewell, Anderson, Aumann, Bartlett, Beidle, Beitzel, Boteler, Cane, Costa, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Frank, George, Glassman, Haddaway, Impallaria, Jennings, Kach, Kelly, Kipke, Krebs, McComas, McDonough, McKee, Miller, Minnick, O'Donnell, Shank, Smigiel, Sossi, Stocksdale, Stull, Walkup, Weir, and Weldon**

Introduced and read first time: January 22, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Nonpublic Schools – Notification of School Administration of**
3 **Enrollee with Criminal Record**

4 FOR the purpose of expanding the disclosure requirement, under certain
5 circumstances, of a police record and juvenile court record concerning a student
6 to include the principal of a nonpublic school in which the student is enrolled, or
7 the principal's designee; requiring the confidentiality of the records obtained by
8 the nonpublic school principal; defining a certain term; making a certain
9 stylistic change; and generally relating to police and juvenile court records of a
10 nonpublic school student.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 7–303
14 Annotated Code of Maryland
15 (2006 Replacement Volume)

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

18 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-303.

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

3 (2) "Criminal gang" has the meaning stated in § 9-801 of the Criminal
4 Law Article.

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

7 (4) "Local school system" means the schools and school programs
8 under the supervision of the local superintendent.

9 (5) "Local superintendent" means the county superintendent, for the
10 county in which a [child] **STUDENT** is enrolled, or a designee of the superintendent,
11 who is an administrator.

12 (6) **"NONPUBLIC SCHOOL PRINCIPAL" MEANS THE PRINCIPAL OF**
13 **THE NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE**
14 **OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.**

15 [(6)](7) "Reportable offense" means:

16 (i) A crime of violence, as defined in § 14-101 of the Criminal
17 Law Article;

18 (ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the
19 Courts Article;

20 (iii) A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the
21 Criminal Law Article;

22 (iv) A violation of §§ 5-602 through 5-609, §§ 5-612 through
23 5-614, § 5-617, § 5-618, § 5-627, or § 5-628 of the Criminal Law Article;

24 (v) A violation of § 4-503, § 9-504, or § 9-505 of the Criminal
25 Law Article;

26 (vi) A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the
27 Criminal Law Article; or

1 (vii) A violation of § 9–802 or § 9–803 of the Criminal Law
2 Article.

3 [(7)](8) “Student” means an individual enrolled in a public school
4 system **OR NONPUBLIC SCHOOL** in the State who is 5 years of age or older and under
5 22 years of age.

6 (b) If a student is arrested for a reportable offense or an offense that is
7 related to the student’s membership in a criminal gang, the law enforcement agency
8 making the arrest shall notify **EITHER** the local superintendent **OR THE NONPUBLIC**
9 **SCHOOL PRINCIPAL** of the arrest and the charges within 24 hours of the arrest or as
10 soon as practicable.

11 (c) The State’s Attorney shall promptly notify **EITHER** the local
12 superintendent **OR THE NONPUBLIC SCHOOL PRINCIPAL** of the disposition of the
13 reportable offense required to be reported under subsection (b) of this section.

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

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

19 (2) May not be made part of the student’s permanent educational
20 record.

21 (e) (1) Notwithstanding the provisions of subsection (d) of this section,
22 nothing shall prohibit a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL**
23 from transmitting the information obtained pursuant to subsections (b) and (c) of this
24 section as a confidential file to the local superintendent of another public school
25 system in the State **OR ANOTHER NONPUBLIC SCHOOL IN THE STATE** in which the
26 student has enrolled or been transferred in order to carry out the purposes of this
27 section if the disposition of the reportable offense was a conviction or an adjudication
28 of delinquency or the criminal charge or delinquency petition is still pending.

29 (2) A local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** who
30 transmits information about a student under this subsection shall include in the
31 transmittal information regarding any educational programming and related services
32 provided to the student.

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

4 (1) Used to provide appropriate educational programming and related
5 services to the student 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 student is enrolled and other school personnel necessary to carry out the purposes set
9 forth in item (1) of this subsection.

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2007.