

HOUSE BILL 1050

F1

71r2197
CF SB 495

By: **Delegates Dumais and Rosenberg**
Introduced and read first time: February 9, 2007
Assigned to: Judiciary

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 or certain superintendents of schools; requiring the
8 nonpublic school principal to maintain the confidentiality of certain records;
9 defining a certain term; making a certain stylistic change; and generally
10 relating to police and juvenile court records of a 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**

19 7–303.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Criminal gang" has the meaning stated in § 9–801 of the Criminal
2 Law Article.

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

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

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

10 (II) **"LOCAL SUPERINTENDENT" INCLUDES THE**
11 **SUPERINTENDENT OF SCHOOLS FOR THE:**

12 1. **ARCHDIOCESE OF BALTIMORE;**

13 2. **ARCHDIOCESE OF WASHINGTON; AND**

14 3. **CATHOLIC DIOCESE OF WILMINGTON.**

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

18 [(6)] (7) "Reportable offense" means:

19 (i) A crime of violence, as defined in § 14–101 of the Criminal
20 Law Article;

21 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the
22 Courts Article;

23 (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
24 Criminal Law Article;

25 (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through
26 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

1 (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal
2 Law Article;

3 (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
4 Criminal Law Article; or

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

7 [(7)] (8) “Student” means an individual enrolled in a public school
8 system **OR NONPUBLIC SCHOOL** in the State who is 5 years of age or older and under
9 22 years of age.

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

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

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

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

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

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

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

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

8 (1) Used to provide appropriate educational programming and related
9 services to the student and to maintain a safe and secure school environment for
10 students and school personnel; and

11 (2) Transmitted only to the school principal of the school in which the
12 student is enrolled and other school personnel necessary to carry out the purposes set
13 forth in item (1) of this subsection.

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

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