

SENATE BILL 495

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71r1457
CF HB 1050

By: **Senators Stone, Astle, Brochin, DeGrange, Della, Dyson, Forehand, Gladden, Haines, Harris, Hogan, Jacobs, Klausmeier, Madaleno, Middleton, Muse, Raskin, and Simonaire**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 19, 2007

CHAPTER _____

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 and certain superintendents of schools; requiring the
8 confidentiality of the records obtained by the nonpublic school principal;
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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Education**

4 7–303.

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

6 (2) “Criminal gang” has the meaning stated in § 9–801 of the Criminal
7 Law Article.

8 (3) “Law enforcement agency” means the law enforcement agencies
9 listed in § 3–101(e) of the Public Safety Article.

10 (4) “Local school system” means the schools and school programs
11 under the supervision of the local superintendent.

12 (5) (I) “Local superintendent” means the county superintendent,
13 for the county in which a [child] **STUDENT** is enrolled, or a designee of the
14 superintendent, who is an administrator.

15 (II) **“LOCAL SUPERINTENDENT” INCLUDES THE**
16 **SUPERINTENDENT OF SCHOOLS FOR THE:**

17 **1. ARCHDIOCESE OF BALTIMORE;**

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

19 **3. CATHOLIC DIOCESE OF WILMINGTON.**

20 **(6) “NONPUBLIC SCHOOL PRINCIPAL” MEANS THE PRINCIPAL OF**
21 **THE NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE**
22 **OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.**

23 [(6)](7) “Reportable offense” means:

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

- 1 (ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the
2 Courts Article;
- 3 (iii) A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the
4 Criminal Law Article;
- 5 (iv) A violation of §§ 5-602 through 5-609, §§ 5-612 through
6 5-614, § 5-617, § 5-618, § 5-627, or § 5-628 of the Criminal Law Article;
- 7 (v) A violation of § 4-503, § 9-504, or § 9-505 of the Criminal
8 Law Article;
- 9 (vi) A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the
10 Criminal Law Article; or
- 11 (vii) A violation of § 9-802 or § 9-803 of the Criminal Law
12 Article.

13 [(7)](8) "Student" means an individual enrolled in a public school
14 system **OR NONPUBLIC SCHOOL** in the State who is 5 years of age or older and under
15 22 years of age.

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

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

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

- 27 (1) Is confidential and may not be redisclosed by subpoena or
28 otherwise except as provided pursuant to subsections (e) and (f) of this section; and
- 29 (2) May not be made part of the student's permanent educational
30 record.

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

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

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

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

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

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

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