

SENATE BILL 876

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71r2637
CF HB 1332

By: **Senator Stone**

Introduced and read first time: February 21, 2007

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 2, 2007

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 30, 2007

CHAPTER _____

1 AN ACT concerning

2 ~~Education – Suspected Child Abuse by Employee or Independent Contractor~~
3 ~~– Notice to Nonpublic Schools~~
4 Child Abuse and Neglect – Disclosure of Records to Nonpublic School
5 Principals and Superintendents

6 FOR the purpose of ~~providing that certain provisions relating to the disclosure of a~~
7 ~~report or record of suspected child abuse to public schools be made applicable to~~
8 ~~private schools; designating which individuals in nonpublic schools are to~~
9 ~~receive certain reports or records~~ authorizing the disclosure of certain reports
10 and records concerning child abuse or neglect to certain nonpublic school
11 officials under certain circumstances; providing for the effective date of certain
12 provisions of this Act; providing for the termination of certain provisions of this
13 Act; and generally relating to the disclosure of reports or records of suspected
14 child abuse.

15 BY repealing and reenacting, with amendments,
16 Article 88A – Department of Human Resources
17 Section 6(b)(2)(vii)
18 Annotated Code of Maryland
19 (2003 Replacement Volume and 2006 Supplement)

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 BY repealing and reenacting, without amendments,
 2 Article – Human Services
 3 Section 1–202(a)
 4 Annotated Code of Maryland
 5 (As enacted by Chapter _____ (S.B. 6) of the Acts of the General Assembly of
 6 2007)

7 BY repealing and reenacting, with amendments,
 8 Article – Human Services
 9 Section 1–202(c)(1)(vii)
 10 Annotated Code of Maryland
 11 (As enacted by Chapter _____ (S.B. 6) of the Acts of the General Assembly of
 12 2007)

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

15 **Article 88A – Department of Human Resources**

16 6.

17 (b) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family
 18 Law Article, and § 6A of this subtitle, and this section, all records and reports
 19 concerning child abuse or neglect are confidential, and their unauthorized disclosure is
 20 a criminal offense subject to the penalty set out in subsection (e) of this section.
 21 Reports or records concerning child abuse or neglect:

22 (2) May be disclosed on request:

23 (vii) **1.** To the appropriate public school superintendent **OR**
 24 **THE PRINCIPAL OR EQUIVALENT EMPLOYEE OF A NONPUBLIC SCHOOL THAT**
 25 **HOLDS A CERTIFICATE OF APPROVAL FROM THE STATE OR IS REGISTERED WITH**
 26 **THE STATE DEPARTMENT OF EDUCATION** for the purpose of carrying out
 27 appropriate personnel or administrative actions following a report of suspected child
 28 abuse involving a student committed by:

29 ~~1.~~ **A.** A public school employee in that school system;

30 ~~2.~~ **B.** AN EMPLOYEE OF THAT NONPUBLIC SCHOOL;

[2.] ~~3.~~ **C.** An independent contractor who supervises or works directly with students in that school system **OR THAT NONPUBLIC SCHOOL;** or

[3.] ~~4.~~ **D.** An employee of an independent contractor, including a bus driver or bus assistant, who supervises or works directly with students in that school system **OR THAT NONPUBLIC SCHOOL; AND**

2. IF THE REPORT CONCERNS SUSPECTED CHILD ABUSE INVOLVING A STUDENT COMMITTED BY AN EMPLOYEE, INDEPENDENT CONTRACTOR, OR EMPLOYEE OF AN INDEPENDENT CONTRACTOR DESCRIBED IN ITEM 1 OF THIS ITEM AND EMPLOYED BY A NONPUBLIC SCHOOL UNDER THE JURISDICTION OF THE SUPERINTENDENT OF SCHOOLS FOR THE ARCHDIOCESE OF BALTIMORE, THE ARCHDIOCESE OF WASHINGTON, OR THE CATHOLIC DIOCESE OF WILMINGTON, TO THE APPROPRIATE SUPERINTENDENT OF SCHOOLS;

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Human Services

1-202.

(a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family Law Article, § 1-203 of this subtitle, and this section, a person may not disclose a report or record concerning child abuse or neglect.

(c) A report or record concerning child abuse or neglect:

(1) may be disclosed on request to:

(vii) **1.** the appropriate public school superintendent **OR THE PRINCIPAL OR EQUIVALENT EMPLOYEE OF A NONPUBLIC SCHOOL THAT HOLDS A CERTIFICATE OF APPROVAL FROM THE STATE OR IS REGISTERED WITH THE STATE DEPARTMENT OF EDUCATION** to carry out appropriate personnel or administrative actions following a report of suspected child abuse involving a student committed by:

~~1.~~ **A.** a public school employee in that school system;

~~2.~~ **B.** **AN EMPLOYEE OF THAT NONPUBLIC SCHOOL;**

1 [2.] ~~3.~~ **C.** an independent contractor who supervises or
2 works directly with students in that school system **OR THAT NONPUBLIC SCHOOL**; or

3 [3.] ~~4.~~ **D.** an employee of an independent contractor,
4 including a bus driver or bus assistant, who supervises or works directly with students
5 in that school system **OR THAT NONPUBLIC SCHOOL**; AND

6 **2. IF THE REPORT CONCERNS SUSPECTED CHILD**
7 **ABUSE INVOLVING A STUDENT COMMITTED BY AN EMPLOYEE, INDEPENDENT**
8 **CONTRACTOR, OR EMPLOYEE OF AN INDEPENDENT CONTRACTOR DESCRIBED IN**
9 **ITEM 1 OF THIS ITEM AND EMPLOYED BY A NONPUBLIC SCHOOL UNDER THE**
10 **JURISDICTION OF THE SUPERINTENDENT OF SCHOOLS FOR THE ARCHDIOCESE**
11 **OF BALTIMORE, THE ARCHDIOCESE OF WASHINGTON, OR THE CATHOLIC**
12 **DIOCESE OF WILMINGTON, TO THE APPROPRIATE SUPERINTENDENT OF**
13 **SCHOOLS;**

14 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
15 take effect on the taking effect of Chapter ___ (S.B. 6) of the Acts of the General
16 Assembly of 2007. If Section 2 of this Act takes effect, Section 1 of this Act shall be
17 abrogated and of no further force and effect.

18 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
19 of Section 3 of this Act, this Act shall take effect July 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.