

CHAPTER 473

(House Bill 1332)

AN ACT concerning

Education – Suspected Child Abuse by Employee or Independent Contractor
Involving Students in Nonpublic Schools – Disclosure
Child Abuse and Neglect – Disclosure of Records to Nonpublic School
Principals and Superintendents

FOR the purpose of ~~providing that certain provisions relating to the disclosure of a report or record of suspected child abuse to public schools be made applicable to private schools; designating which individuals, in cases involving students in nonpublic schools, are authorized to receive certain reports or records authorizing the disclosure of certain reports and records concerning child abuse or neglect to certain nonpublic school officials under certain circumstances; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the disclosure of reports or records of suspected child abuse.~~

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

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

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–202(c)(1)(vii)
Annotated Code of Maryland
(As enacted by Chapter 3 (S.B. 6) of the Acts of the General Assembly of 2007)

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

Article 88A – Department of Human Resources

6.

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

(2) May be disclosed on request:

(vii) **1.** To 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** for the purpose of carrying 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;

B. AN EMPLOYEE OF THAT NONPUBLIC SCHOOL;

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

[3.] 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;

B. AN EMPLOYEE OF THAT NONPUBLIC SCHOOL;

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

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

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

Approved by the Governor, May 8, 2007.