

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1050
Judiciary

(Delegates Dumais and Rosenberg)

**Education - Nonpublic Schools - Notification of School Administration of
Enrollee with Criminal Record**

This bill requires law enforcement agencies to notify either nonpublic school superintendents or principals when a student enrolled in one of their schools is arrested for committing certain crimes.

Fiscal Summary

State Effect: None. The State Board of Education can develop the regulations required by this bill with existing resources.

Local Effect: None. Local law enforcement agencies and State's Attorney's can carry out the bill's requirements with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: When a student enrolled in a nonpublic school is arrested for committing a violent crime or for any of various gang-, weapons-, or drug-related charges, the law enforcement agency making the arrest must notify either the student's principal or, in the case of a student enrolled in a Catholic school, the superintendent of schools for the appropriate archdiocese, of the student's arrest.

The State's Attorney responsible for adjudicating the case must notify either the archdiocese superintendent or nonpublic school principal of the disposition of the student's case. Information about the arrest and disposition of the case is considered

confidential and may not be disclosed or made part of the student's permanent school record. However, it may be shared as a confidential file with another public or nonpublic school in the State in which the student enrolls or transfers. If the information is shared with another school, the superintendent or principal must also include information about any educational programming and related services provided to the student.

The State Board of Education must develop regulations to ensure that information obtained by a nonpublic school principal or superintendent is shared only with authorized school personnel, and that it is used to provide appropriate educational programming and to maintain a safe and secure school environment.

Current Law: Law enforcement agencies are required to report the arrest of a public school student who commits the same offenses specified in the bill to the student's local superintendent. Similarly, State's Attorneys are also required to report on the disposition of cases involving public school students to their superintendent. All information related to the student's case is considered confidential and may not become part of the student's permanent school record. However, it may be shared as a confidential file with another public school system in the State in which the student enrolls or transfers.

Background: During the 2005-2006 school year, there were 190,606 students in 1,175 Maryland nonpublic schools, of whom 62,187 were in grades 7-12. Three Catholic archdiocese operated nonpublic schools in Maryland with a total enrollment of 62,158 students in 167 schools, broken down as follows:

- the Archdiocese of Baltimore had 35,107 students in 85 schools;
- the Archdiocese of Washington had 25,115 students in 75 schools (Maryland only);
- the Diocese of Wilmington had 1,936 students in 7 schools (Maryland only).

During the 2005-06 school year, 860,021 students were enrolled in Maryland public schools, of whom 406,885 were in grades 7-12.

According to the 2005 Maryland Uniform Crime Report (UCR), the most recent data available, there were 46,907 arrests of individuals 18 years of age and younger for offenses covered by this bill. The UCR does not specify whether the arrested individuals were students at the time of their arrests.

Additional Information

Prior Introductions: None.

Cross File: SB 495 (Senator Stone, *et al.*) – Judicial Proceedings.

Information Source(s): No Agency Contacted, Department of Legislative Services

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ncs/rhh

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