

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 88
Ways and Means

(Delegate Shewell, *et al.*)

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

This bill requires a law enforcement agency to notify the principal of a nonpublic school when a student enrolled in that school is arrested for gang activity or a reportable offense. The bill further requires the State's Attorney to notify the principal of the disposition of such cases. The bill authorizes the principal of a nonpublic school to transmit this information to another school in the State upon transfer of a student with a criminal record. Likewise, the bill authorizes local superintendents to transmit this information to a nonpublic school in the State.

Fiscal Summary

State Effect: This bill would not materially affect State finances or operations.

Local Effect: Notification requirements could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A law enforcement agency is required to notify the superintendent when a student enrolled in the public school system is arrested for gang activity or a reportable offense, generally defined as crimes of violence, crimes involving a dangerous weapon, or crimes involving a controlled dangerous substance. Crimes of violence include arson, assault, murder, rape, robbery, kidnapping, and sexual offenses. Following adjudication

the State's Attorney is required to notify the superintendent of the disposition of the case. This information is considered confidential and may not be included in the student's permanent record.

A superintendent is authorized to transfer information related to a student's criminal activity if a criminally-involved student transfers between school systems. Information must remain confidential and is required to include any educational programming or related services that were provided to that student as a result of his or her arrest.

Background: Provisions requiring notification of reportable offenses currently apply only to students attending public schools. This bill would extend the same notification requirements to students enrolled in nonpublic schools. The Maryland State Department of Education advises that 190,606 students were enrolled in Maryland's 1,175 nonpublic schools during the 2005-2006 school year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Department of Juvenile Services, Maryland State Department of Education, Department of Legislative Services

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