

HB1160/125164/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1160
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rice” and substitute “Rice, Frick, Shank, Murphy, Elmore, F. Turner, Barve, Bartlett, Ross, Walker, Stukes, and George”; in line 5, after “circumstances;” insert “requiring a court to notify certain school officials if a child found to be delinquent, in need of assistance, or in need of supervision is no longer committed to the custody of certain agencies; requiring that certain information transmitted by the juvenile court to certain school officials relating to a child found to be delinquent, in need of assistance, or in need of supervision is confidential and may not be made part of the student’s permanent educational record; authorizing a local superintendent of schools to transmit certain information as a confidential file to certain persons under certain circumstances;”; in line 12, after “offense;” insert “requiring the State Board of Education to adopt certain regulations;”; and in line 18, strike “each public middle and high school” and substitute “certain public schools”.

AMENDMENT NO. 2

On page 2, in line 30, after “child” insert “ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL”; after line 34, insert:

“(2) IF THE COURT RESCINDS THE COMMITMENT ORDER FOR A CHILD ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, THE COURT SHALL NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT OF THE FACT THAT THE CHILD IS NO LONGER COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT OF SOCIAL SERVICES.”;

(Over)

in line 35, strike “(2)” and substitute “**(3)**”; in the same line, after “notice” insert “REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION”; and after line 36, insert:

“(4) EXCEPT BY ORDER OF A JUVENILE COURT OR OTHER COURT ON GOOD CAUSE SHOWN, THE INFORMATION OBTAINED BY AN INDIVIDUAL UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISCLOSED BY SUBPOENA OR OTHERWISE EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION; AND

(II) MAY NOT BE MADE PART OF THE STUDENT’S PERMANENT EDUCATIONAL RECORD.

(5) A LOCAL SUPERINTENDENT MAY TRANSMIT THE INFORMATION OBTAINED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION AS A CONFIDENTIAL FILE TO THE LOCAL SUPERINTENDENT OF ANOTHER PUBLIC SCHOOL SYSTEM IN THE STATE OR A NONPUBLIC SCHOOL IN THE STATE IN WHICH THE STUDENT HAS ENROLLED OR BEEN TRANSFERRED IF THE STUDENT IS STILL COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT.

(6) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT PARAGRAPHS (4) AND (5) OF THIS SUBSECTION.”.

On page 3, in line 1, after “child” insert “ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL”; in line 5, after “be” insert “DELINQUENT OR”; after line 7, insert:

“(II) IF THE COURT RESCINDS THE COMMITMENT ORDER FOR A CHILD ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, THE COURT SHALL NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT OF THE FACT THAT THE CHILD IS NO LONGER COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES.”;

in line 8, strike “(ii)” and substitute “(III)”; in the same line, after “notice” insert “REQUIRED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH”; in line 9, after “the” insert “DELINQUENCY OR”; and after line 9, insert:

“(IV) EXCEPT BY ORDER OF A JUVENILE COURT OR OTHER COURT ON GOOD CAUSE SHOWN, THE INFORMATION OBTAINED BY AN INDIVIDUAL UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH:

1. IS CONFIDENTIAL AND MAY NOT BE REDISCLOSED BY SUBPOENA OR OTHERWISE EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS SUBSECTION; AND

2. MAY NOT BE MADE PART OF THE STUDENT’S PERMANENT EDUCATIONAL RECORD.

(V) A LOCAL SUPERINTENDENT MAY TRANSMIT THE INFORMATION OBTAINED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS SUBSECTION AS A CONFIDENTIAL FILE TO THE LOCAL SUPERINTENDENT OF ANOTHER PUBLIC SCHOOL SYSTEM IN THE STATE OR A NONPUBLIC SCHOOL IN THE STATE IN WHICH THE STUDENT HAS ENROLLED OR BEEN TRANSFERRED IF THE STUDENT IS STILL COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT.

(Over)

(VI) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH.

AMENDMENT NO. 3

On page 5, in line 10, strike “OR”; and in line 12, after “ARTICLE” insert “;

(X) A VIOLATION OF § 9-302, § 9-303, OR § 9-305 OF THE CRIMINAL LAW ARTICLE; OR

(XI) A VIOLATION OF § 7-105 OF THE CRIMINAL LAW ARTICLE”.

On page 6, in line 31, strike the second “and”; and in line 35, after “subsection” insert “;**AND**”

(3) DESTROYED WHEN THE STUDENT GRADUATES OR TURNS 22 YEARS OLD, WHICHEVER OCCURS FIRST”.

AMENDMENT NO. 4

On page 5, in line 16, after “(8)” insert “(I)”; and strike beginning with “MEANS” in line 16 down through “SCHOOL” in line 18 and substitute “**INCLUDES A SCHOOL PRINCIPAL, ANOTHER SCHOOL ADMINISTRATOR, A LAW ENFORCEMENT OFFICER, OR OTHER INDIVIDUAL EMPLOYED BY A LOCAL SCHOOL SYSTEM OR A LOCAL GOVERNMENT WHO IS DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL.**”

(II) “SCHOOL SECURITY OFFICER” DOES NOT INCLUDE A TEACHER”.

On page 7, in line 19, after “(A)” insert “(1)”; and strike beginning with “MEANS” in line 19 down through “SCHOOL” in line 21 and substitute “**INCLUDES A**”

SCHOOL PRINCIPAL, ANOTHER SCHOOL ADMINISTRATOR, A LAW ENFORCEMENT OFFICER, OR OTHER INDIVIDUAL EMPLOYED BY A LOCAL SCHOOL SYSTEM OR A LOCAL GOVERNMENT WHO IS DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL.

(2) “SCHOOL SECURITY OFFICER” DOES NOT INCLUDE A TEACHER”.

AMENDMENT NO. 5

On page 7, in line 16, strike “MIDDLE SCHOOL AND HIGH SCHOOL” and substitute “SCHOOL THAT ENROLLS STUDENTS IN GRADES SIX THROUGH TWELVE”; and in line 24, after “POLICE,” insert “THE DEPARTMENT OF HUMAN RESOURCES.”

On page 8, after line 26, insert:

“(VI) GANG PREVENTION AND INTERVENTION PROGRAMS;

(VII) THE OFFICE OF THE PUBLIC DEFENDER;”;

and in lines 27 and 29, strike “(VI)” and “(VII)”, respectively, and substitute “(VIII)” and “(IX)”, respectively.

On page 10, after line 2, insert:

“(VI) REPRESENTATIVES FROM THE OFFICE OF THE PUBLIC DEFENDER;”;

and in lines 3 and 5, strike “(VI)” and “(VII)”, respectively, and substitute “(VII)” and “(VIII)”, respectively.

AMENDMENT NO. 6

On page 7, in line 22, strike “**JANUARY 1, 2011**” and substitute “**MARCH 31, 2011**”.

On page 10, in line 27, strike “October 1, 2010” and substitute “July 1, 2010”.