

HOUSE BILL 1160

F1, E3

(0lr0581)

ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs and Judicial Proceedings* —

Introduced by **Delegates Busch, Dumais, Gilchrist, Heller, Hixson, Ivey, Kaiser, Kramer, Manno, Myers, Olszewski, ~~and Rice~~ Rice, Frick, Shank, Murphy, Elmore, F. Turner, Barve, Bartlett, Ross, Walker, Stukes, and George**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Safe Schools Act of 2010**

3 FOR the purpose of ~~requiring~~ *clarifying the authority of* the juvenile court to notify a
4 certain school ~~official~~ *officials* that a child has been found to be delinquent, in
5 need of assistance, or in need of supervision and committed to a certain agency
6 under certain circumstances; ~~requiring~~ authorizing a court to notify certain
7 school officials if a child found to be delinquent, in need of assistance, or in need
8 of supervision is no longer committed to the custody of certain agencies;
9 ~~requiring that certain information transmitted by the juvenile court to certain~~
10 ~~school officials relating to a child found to be delinquent, in need of assistance,~~
11 ~~or in need of supervision is confidential and may not be made part of the~~

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.

Italics indicate opposite chamber/conference committee amendments.



1 ~~student's permanent educational record; authorizing a local superintendent of~~
2 ~~schools to transmit certain information as a confidential file to certain persons~~
3 ~~under certain circumstances;~~ adding certain offenses to a list of offenses for
4 which a student is arrested that are required to be reported to certain school
5 officials under certain circumstances; requiring a certain local law enforcement
6 agency to notify a school security officer of the arrest of a student for a certain
7 offense within a certain period of time under certain circumstances; authorizing
8 a certain law enforcement agency to notify the State's Attorney of the arrest of a
9 student for a certain offense; requiring the State Board of Education to adopt
10 certain regulations; requiring a local school superintendent and a school
11 principal to consider prohibiting a student who is arrested for a reportable
12 offense *involving rape or a sexual offense* from attending the same school or
13 riding on the same school bus as the alleged victim under certain circumstances;
14 prohibiting a student who is convicted of or adjudicated delinquent for a
15 reportable offense involving rape or a sexual offense from attending the same
16 school or riding on the same school bus as the victim; requiring ~~each public~~
17 ~~middle and high school~~ certain public schools to designate at least one school
18 security officer; requiring the State Board of Education to develop a model
19 policy to address gangs ~~and gang-like activity,~~ gang activity, and similar
20 destructive or illegal group behavior in schools; specifying the components of the
21 model policy; requiring each ~~county board of education~~ local school system to
22 establish a policy or regulations to address gangs ~~and gang-like activity,~~ gang
23 activity, and similar destructive or illegal group behavior; requiring each ~~county~~
24 ~~board~~ local school system to develop the policy or regulations in consultation
25 with certain groups; requiring each ~~county board~~ local school system to publicize
26 its policy or regulations in a certain manner; requiring each ~~county board~~ local
27 school system to submit its policy or regulations to the State Board by a certain
28 date; requiring each ~~county board~~ local school system to develop certain
29 educational programs to address gangs ~~and gang-like activity,~~ gang activity,
30 and similar destructive or illegal group behavior in schools; requiring a school
31 employee to report suspected ~~gang or gang-like activity,~~ gang activity or similar
32 destructive or illegal group behavior to certain school officials; authorizing
33 certain school officials to take certain actions; requiring each county
34 superintendent of schools to require certain school security meetings for certain
35 schools; requiring the participation of certain individuals in school security
36 meetings; requiring each county superintendent to enter into a certain
37 memorandum of understanding with the county State's Attorney's Office;
38 requiring the State Department of Education to submit a certain report to the
39 General Assembly on or before a certain date each year; requiring the
40 Governor's Office of Crime Control and Prevention to perform certain actions
41 and submit a certain report to the General Assembly on or before a certain date;
42 requiring the Administrative Office of the Courts, the Department of Human
43 Resources, the Department of Juvenile Services, and the State Department of
44 Education to report to the Governor, the General Assembly, and certain
45 legislative committees on or before a certain date regarding a certain process,
46 certain notification, and certain recommendations; defining certain terms;
47 repealing a certain definition; altering a certain definition; making certain

1 clarifying and conforming changes; and generally relating to school safety, gang
2 prevention and intervention in schools, and truancy.

3 BY repealing and reenacting, with amendments,
4 Article – Courts and Judicial Proceedings
5 Section 3–819(b–1) and 3–8A–19(d)(5)
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2009 Supplement)

8 *BY repealing and reenacting, without amendments,*
9 *Article – Education*
10 *Section 7–302*
11 *Annotated Code of Maryland*
12 *(2008 Replacement Volume and 2009 Supplement)*

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section ~~7–302~~ and 7–303
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

18 BY adding to
19 Article – Education
20 Section 7–424.2
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2009 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

26 3–819.

27 (b–1) (1) If the court finds that a child **ENROLLED IN A PUBLIC**
28 **ELEMENTARY OR SECONDARY SCHOOL** is in need of assistance and commits the
29 child to the custody of a local department, the court ~~may~~ **SHALL** notify the county
30 superintendent, the supervisor of pupil personnel, or any other official designated by
31 the county superintendent of the fact that the child has been found to be in need of
32 assistance and has been committed to the custody of a local department.

33 **(2) IF THE COURT RESCINDS THE COMMITMENT ORDER FOR A**
34 **CHILD ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, THE**
35 **COURT SHALL MAY NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR**
36 **OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY**

1 SUPERINTENDENT OF THE FACT THAT THE CHILD IS NO LONGER COMMITTED TO
 2 THE CUSTODY OF A LOCAL DEPARTMENT OF SOCIAL SERVICES.

3 ~~(2)~~ (3) The notice ~~REQUIRED~~ AUTHORIZED UNDER PARAGRAPHS (1)
 4 AND (2) OF THIS SUBSECTION may not include any order or pleading related to the
 5 child in need of assistance case.

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

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

12 ~~(II) MAY NOT BE MADE PART OF THE STUDENT'S~~
 13 ~~PERMANENT EDUCATIONAL RECORD.~~

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

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

23 3-8A-19.

24 (d) (5) (i) If the court finds that a child ENROLLED IN A PUBLIC
 25 ELEMENTARY OR SECONDARY SCHOOL is DELINQUENT OR in need of supervision
 26 and commits the child to the custody or under the guardianship of the Department of
 27 Juvenile Services, the court ~~{may}~~ ~~SHALL~~ notify the county superintendent, the
 28 supervisor of pupil personnel, or any other official designated by the county
 29 superintendent of the fact that the child has been found to be DELINQUENT OR
 30 in need of supervision and has been committed to the custody or under the guardianship
 31 of the Department of Juvenile Services.

32 (II) IF THE COURT RESCINDS THE COMMITMENT ORDER FOR
 33 A CHILD ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, THE
 34 COURT SHALL MAY NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR
 35 OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY

1 SUPERINTENDENT OF THE FACT THAT THE CHILD IS NO LONGER COMMITTED TO
 2 THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES.

3 ~~(ii) (III)~~ The notice ~~REQUIRED AUTHORIZED UNDER~~
 4 ~~SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH~~ may not include any order or
 5 pleading related to the DELINQUENCY OR child in need of supervision case.

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

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

12 ~~2. MAY NOT BE MADE PART OF THE STUDENT'S~~
 13 ~~PERMANENT EDUCATIONAL RECORD.~~

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

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

23 **Article - Education**

24 7-302.

25 (a) The principal or head teacher of each public or private school in this State
 26 shall report immediately to the county superintendent, the supervisor of pupil
 27 personnel, or any other official designated by the county superintendent the name of
 28 each child enrolled in his school who has been absent or irregular in attendance,
 29 without lawful excuse, or who shows evidence of maladjustment, so that the causes
 30 may be studied and solutions worked out.

31 (b) On receipt of a report from a principal or head teacher of a public school
 32 that a student has been habitually truant without lawful excuse, the appropriate
 33 representative of the school system:

34 (1) Shall initiate an investigation into the cause of the child's truancy;

1 (2) May provide counseling regarding the availability of social, health,
2 and educational services; and

3 (3) Following the investigation or intervention:

4 (i) May notify the Department of Juvenile Services that the
5 student has been habitually truant, without lawful excuse;

6 (ii) ~~[(Shall)] FOR A STUDENT DESCRIBED IN § 3-819(B-1) OF~~
7 ~~THE COURTS ARTICLE, SHALL~~ notify the appropriate local department that the
8 student has been habitually truant, without lawful excuse~~],~~ if a court has given the
9 notice authorized by § 3-819(b-1) of the Courts Article~~];~~ and

10 (iii) ~~[(Shall)] FOR A STUDENT DESCRIBED IN § 3-8A-19(D)(5)~~
11 ~~OF THE COURTS ARTICLE, SHALL~~ notify the Department of Juvenile Services that
12 the student has been habitually truant, without lawful excuse~~],~~ if a court has given
13 the notice authorized by § 3-8A-19(d)(5) of the Courts Article~~].~~

14 (c) The county superintendent, the superintendent's designee, or the
15 supervisor of pupil personnel shall provide to the local education agency for inclusion
16 in the report of the local education agency under § 7-304(f)(1) of this subtitle
17 information regarding the number of students identified as being habitually truant.

18 7-303.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Criminal gang" has the meaning stated in § 9-801 of the Criminal
21 Law Article.

22 (3) "Law enforcement agency" means the law enforcement agencies
23 listed in § 3-101(e) of the Public Safety Article.

24 (4) "Local school system" means the schools and school programs
25 under the supervision of the local superintendent.

26 (5) "Local superintendent" means:

27 (i) The county superintendent, for the county in which a
28 student is enrolled, or a designee of the superintendent, who is an administrator; or

29 (ii) The superintendent of schools for the:

30 1. Archdiocese of Baltimore;

1 **(7) “SCHOOL PRINCIPAL” MEANS THE PRINCIPAL OF THE PUBLIC**
 2 **OR NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE OF**
 3 **THE PRINCIPAL, WHO IS AN ADMINISTRATOR.**

4 **(8) (I) “SCHOOL SECURITY OFFICER” ~~MEANS AN INDIVIDUAL~~**
 5 **~~DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO~~**
 6 **~~HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL~~ INCLUDES A SCHOOL**
 7 **PRINCIPAL, ANOTHER SCHOOL ADMINISTRATOR, A LAW ENFORCEMENT**
 8 **OFFICER, OR OTHER INDIVIDUAL EMPLOYED BY A LOCAL SCHOOL SYSTEM OR A**
 9 **LOCAL GOVERNMENT WHO IS DESIGNATED BY THE COUNTY SUPERINTENDENT**
 10 **OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A**
 11 **SCHOOL.**

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

14 **[(8)] (9) “Student” means an individual enrolled in a public school**
 15 **system or nonpublic school in the State who is 5 years of age or older and under 22**
 16 **years of age.**

17 (b) If a student is arrested for a reportable offense or an offense that is
 18 related to the student’s membership in a criminal gang, the law enforcement agency
 19 making the arrest:

20 **(1) [shall] SHALL notify [either] THE FOLLOWING INDIVIDUALS OF**
 21 **THE ARREST AND THE CHARGES WITHIN 24 HOURS OF THE ARREST OR AS SOON**
 22 **AS PRACTICABLE:**

23 **(I) [the] THE local superintendent [or];**

24 **(II) [the] THE [nonpublic] school principal [of the arrest and the**
 25 **charges within 24 hours of the arrest or as soon as practicable]; AND**

26 **(III) FOR A SCHOOL THAT HAS A SCHOOL SECURITY**
 27 **OFFICER, THE SCHOOL SECURITY OFFICER; AND**

28 **(2) MAY NOTIFY THE STATE’S ATTORNEY OF THE ARREST AND**
 29 **CHARGES.**

30 (c) The State’s Attorney shall promptly notify either the local superintendent
 31 or the [nonpublic] school principal of the disposition of the reportable offense required
 32 to be reported under subsection (b) of this section.

1 (d) Except by order of a juvenile court or other court upon good cause shown,
2 the information obtained by [a local superintendent or nonpublic school principal] AN
3 **INDIVIDUAL** pursuant to subsections (b) and (c) of this section:

4 (1) Is confidential and may not be redisclosed by subpoena or
5 otherwise except as provided pursuant to subsections (e) and (f) of this section; and

6 (2) May not be made part of the student's permanent educational
7 record.

8 (e) (1) Notwithstanding the provisions of subsection (d) of this section,
9 nothing shall prohibit a local superintendent or [nonpublic] school principal from
10 transmitting the information obtained pursuant to subsections (b) and (c) of this
11 section as a confidential file to the local superintendent of another public school
12 system in the State or another nonpublic school in the State in which the student has
13 enrolled or been transferred in order to carry out the purposes of this section if the
14 disposition of the reportable offense was a conviction or an adjudication of delinquency
15 or the criminal charge or delinquency petition is still pending.

16 (2) A local superintendent or [nonpublic] school principal who
17 transmits information about a student under this subsection shall include in the
18 transmittal information regarding any educational programming and related services
19 provided to the student.

20 (f) The State Board shall adopt regulations to ensure that information
21 obtained by a local superintendent [or nonpublic school principal], **A SCHOOL**
22 **PRINCIPAL, OR A SCHOOL SECURITY OFFICER** under subsections (b), (c), and (e) of
23 this section is:

24 (1) Used to provide appropriate educational programming and related
25 services to the student and to maintain a safe and secure school environment for
26 students and school personnel; ~~and~~

27 (2) Transmitted only to [the school principal of the school in which the
28 student is enrolled and other] school personnel **OF THE SCHOOL IN WHICH THE**
29 **STUDENT IS ENROLLED AS** necessary to carry out the purposes set forth in item (1) of
30 this subsection; AND

31 **(3) DESTROYED WHEN THE STUDENT GRADUATES OR OTHERWISE**
32 **PERMANENTLY LEAVES SCHOOL OR TURNS 22 YEARS OLD, WHICHEVER OCCURS**
33 **FIRST.**

34 **(G) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS**
35 **SUBSECTION, THE LOCAL SUPERINTENDENT AND THE SCHOOL PRINCIPAL**
36 **SHALL CONSIDER PROHIBITING A STUDENT WHO IS ARRESTED FOR A**

1 REPORTABLE OFFENSE INVOLVING RAPE OR A SEXUAL OFFENSE FROM
2 ATTENDING THE SAME SCHOOL OR RIDING ON THE SAME SCHOOL BUS AS THE
3 ALLEGED VICTIM OF THE REPORTABLE OFFENSE IF SUCH ACTION IS NECESSARY
4 OR APPROPRIATE TO PROTECT THE PHYSICAL OR PSYCHOLOGICAL
5 WELL-BEING OF THE ALLEGED VICTIM.

6 (2) IF A STUDENT IS ARRESTED FOR A REPORTABLE OFFENSE
7 INVOLVING RAPE OR A SEXUAL OFFENSE AND IS CONVICTED OF OR
8 ADJUDICATED DELINQUENT FOR THE RAPE OR SEXUAL OFFENSE, THE STUDENT
9 MAY NOT ATTEND THE SAME SCHOOL OR RIDE ON THE SAME SCHOOL BUS AS
10 THE VICTIM.

11 [(g)] (H) Nothing in this section is intended to limit the manner in which a
12 local school obtains information or uses information obtained by any lawful means
13 other than that set forth in subsections (b), (c), and (e) of this section.

14 (I) EACH PUBLIC ~~MIDDLE SCHOOL AND HIGH SCHOOL~~ SCHOOL THAT
15 ENROLLS STUDENTS IN GRADES SIX THROUGH TWELVE IN THE STATE SHALL
16 DESIGNATE AT LEAST ONE SCHOOL SECURITY OFFICER.

17 7-424.2.

18 (A) (1) IN THIS SECTION, "SCHOOL SECURITY OFFICER" ~~MEANS AN~~
19 ~~INDIVIDUAL DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL~~
20 ~~PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL~~
21 INCLUDES A SCHOOL PRINCIPAL, ANOTHER SCHOOL ADMINISTRATOR, A LAW
22 ENFORCEMENT OFFICER, OR OTHER INDIVIDUAL EMPLOYED BY A LOCAL
23 SCHOOL SYSTEM OR A LOCAL GOVERNMENT WHO IS DESIGNATED BY THE
24 COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE
25 SECURITY AND SAFETY OF A SCHOOL.

26 (2) "SCHOOL SECURITY OFFICER" DOES NOT INCLUDE A
27 TEACHER.

28 (B) BY ~~JANUARY 1, 2011~~ MARCH 31, 2011, THE STATE BOARD, AFTER
29 CONSULTATION WITH AND INPUT FROM THE DEPARTMENT OF JUVENILE
30 SERVICES, THE DEPARTMENT OF STATE POLICE, THE DEPARTMENT OF HUMAN
31 RESOURCES, AND LOCAL SCHOOL SYSTEMS, SHALL DEVELOP A MODEL POLICY
32 TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR
33 DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS.

34 (C) THE MODEL POLICY DEVELOPED UNDER SUBSECTION (B) OF THIS
35 SECTION SHALL INCLUDE:

- 1 (1) A STATEMENT PROHIBITING GANG ACTIVITY IN SCHOOLS;
- 2 (2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION
3 AGAINST INDIVIDUALS WHO REPORT SUSPECTED GANG ACTIVITY;
- 4 (3) A DEFINITION OF GANG AND GANG ACTIVITY;
- 5 (4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR
6 INDIVIDUALS ENGAGED IN ~~GANG OR GANG-LIKE ACTIVITY~~ GANG ACTIVITY OR
7 SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR;
- 8 (5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR
9 INDIVIDUALS FOUND TO HAVE MADE FALSE ACCUSATIONS;
- 10 (6) MODEL PROCEDURES FOR REPORTING SUSPECTED ~~GANG OR~~
11 ~~GANG-LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL
12 GROUP BEHAVIOR;
- 13 (7) MODEL PROCEDURES FOR THE PROMPT INVESTIGATION OF
14 SUSPECTED ~~GANG OR GANG-LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR
15 DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR;
- 16 (8) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES,
17 INCLUDING FAMILY SUPPORT SERVICES, FOR A STUDENT SUSPECTED OF
18 PARTICIPATING IN GANG ACTIVITY; AND
- 19 (9) RECOMMENDATIONS CONCERNING GANG PREVENTION AND
20 INTERVENTION SERVICES AND PROGRAMS FOR STUDENTS THAT MAXIMIZE
21 COMMUNITY PARTICIPATION AND THE USE OF FEDERAL FUNDING.
- 22 (D) (1) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL
23 ESTABLISH A POLICY OR REGULATIONS TO ADDRESS GANGS, GANG ACTIVITY,
24 AND ~~GANG-LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR
25 IN SCHOOLS BASED ON THE MODEL POLICY.
- 26 (2) THE POLICY OR REGULATIONS SHALL ADDRESS THE
27 COMPONENTS OF THE MODEL POLICY SPECIFIED IN SUBSECTION (C) OF THIS
28 SECTION.
- 29 (3) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL
30 DEVELOP THE POLICY OR REGULATIONS IN CONSULTATION WITH
31 REPRESENTATIVES OF THE FOLLOWING GROUPS:
- 32 (I) PARENTS OR GUARDIANS OF STUDENTS;

- 1 (II) SCHOOL EMPLOYEES AND ADMINISTRATORS;
- 2 (III) SCHOOL VOLUNTEERS;
- 3 (IV) STUDENTS;
- 4 (V) LOCAL LAW ENFORCEMENT;
- 5 (VI) GANG PREVENTION AND INTERVENTION PROGRAMS;
- 6 (VII) THE OFFICE OF THE PUBLIC DEFENDER;
- 7 ~~(VI)~~ (VIII) THE MARYLAND STATE'S ATTORNEYS
8 ASSOCIATION; AND
- 9 ~~(VII)~~ (IX) MEMBERS OF THE COMMUNITY.

10 (E) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL SUBMIT ITS
11 POLICY OR REGULATIONS TO THE STATE SUPERINTENDENT BY SEPTEMBER 1,
12 2011.

13 (F) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL PUBLICIZE ITS
14 POLICY OR REGULATIONS IN STUDENT HANDBOOKS, ON SCHOOL SYSTEM
15 WEBSITES, AND AT ANY OTHER LOCATION OR VENUE THE ~~COUNTY BOARD~~ LOCAL
16 SCHOOL SYSTEM DETERMINES IS NECESSARY OR APPROPRIATE.

17 (G) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL DEVELOP THE
18 FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO ADDRESS GANGS,
19 GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL
20 GROUP BEHAVIOR IN SCHOOLS:

21 (1) AN EDUCATIONAL GANG AWARENESS PROGRAM FOR
22 STUDENTS, STAFF, VOLUNTEERS, AND PARENTS; AND

23 (2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM
24 THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY OR
25 REGULATIONS.

26 (H) (1) A SCHOOL EMPLOYEE SHALL REPORT ANY INCIDENCE OF
27 SUSPECTED ~~GANG OR GANG-LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR
28 DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR PROMPTLY TO THE PRINCIPAL
29 AND, FOR A SCHOOL THAT HAS A SCHOOL SECURITY OFFICER, TO THE SCHOOL
30 SECURITY OFFICER.

1 **(2) THE PRINCIPAL AND THE SCHOOL SECURITY OFFICER MAY**
2 **TAKE APPROPRIATE ACTION TO MAINTAIN A SAFE AND SECURE SCHOOL**
3 **ENVIRONMENT, INCLUDING THE PROVISION OF APPROPRIATE INTERVENTION**
4 **SERVICES.**

5 **(I) (1) EACH COUNTY SUPERINTENDENT SHALL REQUIRE REGULAR**
6 **SCHOOL SECURITY MEETINGS FOR EACH MIDDLE SCHOOL AND HIGH SCHOOL TO**
7 **ENSURE COORDINATION OF GANG PREVENTION, INTERVENTION, AND**
8 **SUPPRESSION EFFORTS.**

9 **(2) THE FOLLOWING INDIVIDUALS SHALL PARTICIPATE IN THE**
10 **MEETINGS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:**

11 **(I) SCHOOL PRINCIPALS;**

12 **(II) SCHOOL SECURITY OFFICERS;**

13 **(III) GUIDANCE COUNSELORS;**

14 **(IV) LOCAL LAW ENFORCEMENT OFFICERS;**

15 **(V) REPRESENTATIVES FROM THE COUNTY STATE'S**
16 **ATTORNEY'S OFFICE;**

17 **(VI) REPRESENTATIVES FROM THE OFFICE OF THE PUBLIC**
18 **DEFENDER;**

19 ~~**(VI)**~~ **(VII) GANG PREVENTION AND INTERVENTION**
20 **PROGRAM REPRESENTATIVES; AND**

21 ~~**(VII)**~~ **(VIII) ANY OTHER INDIVIDUALS THAT THE COUNTY**
22 **SUPERINTENDENT CONSIDERS APPROPRIATE.**

23 **(J) EACH COUNTY SUPERINTENDENT SHALL ENTER INTO A**
24 **MEMORANDUM OF UNDERSTANDING WITH THE COUNTY STATE'S ATTORNEY'S**
25 **OFFICE TO FOSTER COORDINATION OF GANG PREVENTION, INTERVENTION,**
26 **AND SUPPRESSION EFFORTS.**

27 **(K) ON OR BEFORE JANUARY 1, 2011, AND EACH YEAR THEREAFTER,**
28 **THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN**
29 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**
30 **IMPLEMENTATION OF STATE AND LOCAL POLICIES AND REGULATIONS TO**

1 ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR
 2 DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR DESCRIBED IN THIS SECTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1,
 4 2011, the Governor's Office of Crime Control and Prevention shall: (1) perform a
 5 community services survey to determine which gang prevention and intervention
 6 services exist in each county; (2) develop criteria for gang prevention and intervention
 7 programs that are evidence-based and produce measurable outcomes; (3) make
 8 recommendations for a pilot program to provide comprehensive gang prevention and
 9 intervention services for a high school where gang activity is prevalent and the high
 10 school's middle school feeder system; and (4) report its findings and recommendations
 11 to the General Assembly, in accordance with § 2-1246 of the State Government
 12 Article.

13 SECTION 3. AND BE IT FURTHER ENACTED, That on or before December
 14 31, 2010, the Administrative Office of the Courts, the Department of Human Resources,
 15 the Department of Juvenile Services, and the State Department of Education, shall
 16 report to the Governor and, in accordance with § 2-1246 of the State Government
 17 Article, to the General Assembly, the Senate Education, Health, and Environmental
 18 Affairs Committee, the Senate Judicial Proceedings Committee, the House Judiciary
 19 Committee, and the House Committee on Ways and Means regarding:

20 (1) the process for notifying school officials under § 3-819 and §
 21 3-8A-19 of the Courts and Judicial Proceedings Article;

22 (2) how often school officials are actually notified under these statutes;
 23 and

24 (3) recommendations, if any, to improve this process and better serve
 25 these students.

26 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
 27 effect ~~October 1, 2010~~ July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.