

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1160
Ways and Means

(Delegate Busch, *et al.*)

Education, Health, and Environmental Affairs
and Judicial Proceedings

Safe Schools Act of 2010

This bill clarifies the authority of a court to notify specified school administrators if the court places a child enrolled in a public elementary or secondary school under the supervision or custody of a local department of social services or the Department of Juvenile Services (DJS) and authorizes the court to notify the specified school administrators if a commitment order is rescinded. The list of crimes that, when committed by a student, law enforcement agencies must report to specified school officials is also expanded.

The State Board of Education must develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools by March 31, 2011. Using the State board's model policy, each local school system must establish a local policy or regulations and submit the policy or regulations to the State Superintendent of Schools by September 1, 2011. By January 1, 2011, and each year thereafter, the Maryland State Department of Education (MSDE) must submit a report on implementation of the policies.

The bill takes effect July 1, 2010.

Fiscal Summary

State Effect: The State Board of Education can develop a model policy and collect local policies with existing personnel and resources; however, to do so, resources may need to be redirected from other projects and responsibilities while the policy is being developed. The District Court can handle any additional notices to school administrators with existing resources. The Governor's Office of Crime Control and Prevention can

complete activities required by the bill with existing resources. The bill's reporting requirements can be handled with existing resources.

Local Effect: Local school system expenditures increase by a total of approximately \$480,000 in FY 2011 and 2012 to develop local policies, educational gang awareness programs, and professional development programs to implement the local policies. Circuit court expenditures increase minimally to mail additional notices to school administrators.

Small Business Effect: None.

Analysis

Bill Summary:

Reportable Offenses

The list of reportable offenses for students is expanded to include malicious destruction of property, second degree assault, witness intimidation, retaliation against a witness, intimidating or corrupting a juror, and auto theft.

Within 24 hours of an arrest, the arresting law enforcement agency has to notify the local superintendent of schools, the school principal, and if the school has one, the school security officer, of a reportable offense, rather than just the superintendent. A law enforcement agency may also notify the State's Attorney of the arrest and the charges. Any record of the arrest kept by the school must be destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first.

The local superintendent and the school principal must consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim. If a student is arrested for a reportable offense involving rape or a sexual offense and is convicted of or adjudicated delinquent for the offense, the student may not attend the same school or ride on the same school bus as the victim.

Model Policy

In consultation with the Department of Juvenile Services, the Department of State Police, the Department of Human Resources, and local school systems, the State board must develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools. The model policy must include:

- a statement prohibiting gang activity in schools;
- a statement prohibiting reprisal or retaliation against individuals who report suspected gang activity;
- a definition of gang and gang activity;
- standard consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior;
- standard consequences and remedial actions for individuals found to have made false accusations;
- model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;
- information about the types of support services, including family support services, for a student suspected of participating in gang activity; and
- recommendations concerning gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

Local Policies and Responsibilities

Each local school system must develop a local policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior based on the State board's model policy. The local policy or regulations must be developed in consultation with parents or guardians of students, school employees and administrators, school volunteers, students, local law enforcement, gang prevention and intervention programs, the Office of the Public Defender, the Maryland State's Attorneys' Association, and members of the community. Each local school system must publicize its policy or regulations in student handbooks, on school system web sites, and at any other location or venue the local school system determines is necessary or appropriate.

Each local school system must also develop an educational gang awareness program for students, staff, volunteers, and parents as well as a development program for teachers and administrators that trains them to implement the local policy.

Each public school that enrolls students in grades 6 through 12 has to designate at least one security officer, who can be the school principal, another school administrator, a local law enforcement officer, or another designated individual but may not be a teacher. A school employee is required to report any incident of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer. The principal and school security officer may take appropriate actions to maintain a safe and secure environment.

Each local superintendent must enter into a memorandum of understanding with the local State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.

Security Meetings

Each local superintendent must require regular school security meetings for each middle school and high school to ensure coordination of gang prevention, intervention, and suppression efforts. The following individuals must participate in the security meetings: school principals, school security officers, guidance counselors, local law enforcement officers, representatives from the local State's Attorney's Office, representatives from the Office of the Public Defender, gang prevention and intervention representatives, and any other individuals that the local superintendent considers appropriate.

Gang Prevention and Intervention Programs

By July 1, 2011, the Governor's Office of Crime Control and Prevention must:

- perform a county-by-county survey of the types and availability of gang prevention and intervention programs;
- develop criteria for such programs that are evidence-based and produce measurable outcomes; and
- make recommendations for a pilot program to provide comprehensive gang prevention and intervention services for a high school where gang activity is prevalent and for its feeder middle schools.

Report on Court Notification Procedures

By December 31, 2010, the Administrative Office of the Courts, the Department of Human Resources, DJS, and MSDE must report to the Governor; the Senate Education, Health, and Environmental Affairs Committee; the Senate Judicial Proceedings Committee; the House Judiciary Committee; and the House Committee on Ways and Means regarding (1) the process for notifying school officials of when a court places a child under the supervision or custody of a local department of social services or DJS; (2) how often school officials are actually notified; and (3) recommendations, if any, to improve this process and better serve these students.

Current Law: It is optional for a court to notify specified school administrators when a child is placed under the supervision or custody of a local department of social services or DJS.

Law enforcement agencies must notify the school superintendent (local or archdiocese) or, for a private school student, the school's principal when a student enrolled in one of

their schools is arrested for a reportable offense. Reportable offenses include specified violent crimes and various gang-, weapons-, or drug-related charges.

The local State’s Attorney must notify either the superintendent or the private 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 private 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.

According to regulation, the local school superintendent or designee must provide the principal of the school in which the student is enrolled with the arrest information. The school principal or designee, with appropriate staff members, must immediately develop a plan that addresses appropriate educational programming and related services for the student that maintains a safe and secure school environment for all students and school personnel.

Background: The proliferation of gangs and their migration from urban communities to suburban and rural locations, which began more than two decades ago, is a significant problem in most areas of the country, including Maryland. It is estimated that there are over 600 active gangs in the State with over 11,000 members. The most prominent gangs in the State include the Bloods, Crips, MS-13, Black Guerilla Family, and Dead Man Incorporated. **Exhibit 1** illustrates the estimated street gang presence by jurisdiction.

**Exhibit 1
Gangs in Maryland**

<u>Jurisdictions</u>	<u>Gangs</u>	<u>Members</u>
Baltimore City	54	1,950
Allegany, Frederick, Garrett, Washington counties	50	800
Baltimore, Carroll, Cecil, Harford, Howard counties	170	3,600
Montgomery and Prince George’s counties	300	3,800
Anne Arundel, Calvert, Charles, St. Mary’s counties	70	650
Caroline, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Worcester, Wicomico counties	50	<u>600</u>
Total		11,400

Source: Maryland Coordination and Analysis Center

Local Expenditures: It is assumed that it will cost local school systems approximately \$20,000 each to develop a local policy; an educational gang awareness program; and a professional development program to implement the local policy. Therefore, local school system expenditures increase by a total of approximately \$480,000 in fiscal 2011 and 2012. Implementation of the local policies and gang awareness programs may increase ongoing expenditures by an indeterminate amount. Depending on the breadth of the programs that are developed, the impact could be significant, particularly in counties with more gang activity.

Requiring each public school that enrolls students in grades 6 through 12 to designate at least one employee as school security officer is not expected to increase expenditures, since it is assumed that current personnel will be designated; however, if a local school system chooses to train these employees, expenditures may increase minimally. In addition, employees designated as school security officers may need to redirect their efforts from other responsibilities.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Department of Human Resources; Maryland State Department of Education; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Frederick and Montgomery counties; Maryland Coordination and Analysis Center; Department of Legislative Services

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