

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1165  
Ways and Means

(Delegate Love, *et al.*)

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Education - Offenses Reportable to School Authorities

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This bill expands the list of crimes that, when committed by a student, a law enforcement agency must report to the student's principal and the local superintendent or, in the case of a student attending Catholic school, the archdiocese superintendent. In addition, the bill requires the law enforcement agency to notify both the superintendent and the school principal of the offense, rather than just the superintendent. A law enforcement agency must also report the arrest of a student who attempted to commit any of the specified crimes. State's Attorneys must likewise notify superintendents and principals of the dispositions of any reportable offenses.

The bill takes effect July 1, 2010.

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Fiscal Summary

**State Effect:** The State Board of Education can revise its regulations to meet the bill's requirements with existing resources.

**Local Effect:** Although the bill adds to their workloads, it is assumed that local law enforcement agencies and State's Attorneys can carry out the bill's requirements with existing resources.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The “reportable offenses” specified in the bill include crimes relating to destruction of property, intimidating a witness or juror, extortion, burglary, possession of stolen property, motor vehicle theft, prostitution, assault, and gambling.

**Current Law:** 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.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** Although not designated as a crossfile, SB 360 (Senators Astle and DeGrange – Education, Health, and Environment) is identical.

**Information Source(s):** Maryland State Department of Education; Kent, Montgomery, Washington, and Worcester counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2010  
ncs/mwc

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