

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 836

(Senator Lenett, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

**Education - Students Arrested for Reportable Offenses - Attending School or
Riding the Bus with Victim**

This bill requires a local superintendent of schools and a school principal to consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim. However, if the student 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.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can update regulations to be consistent with the bill using existing resources.

Local Effect: To the extent that the bill requires local school systems to provide transportation and educational services that are different from their current practices, local school system expenditures may increase minimally.

Small Business Effect: None.

Analysis

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 his or her schools is arrested for a reportable offense. Reportable offenses include specified violent crimes, including rape or a sexual offense, as well as various gang-, weapons-, or drug-related charges.

According to regulations, 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. If the plan results in a change to the student's educational program, the school principal or the principal's designee must promptly schedule a conference to inform the parent or guardian of the plan. The plan must be implemented no later than five school days after receipt of the arrest information. A fee may not be charged for the alternative educational programming or related services that are developed for the student.

Background: According to the Maryland edition of the *Uniform Crime Report*, 52 juveniles were arrested for forcible rape and 296 juveniles were arrested for sex offenses, excluding rape, prostitution, and vice, in 2008.

Local Expenditures: Under current regulations, the educational plan developed by school personnel after being notified of a student's arrest may include prohibiting the student from attending the same school or riding the same school bus as the victim; however, it is not required, even if the student is convicted of or adjudicated delinquent for the offense. Under the bill, the offending student, if convicted or adjudicated delinquent, and the victim must be separated. Local school system expenditures may increase to provide transportation for the offending student to another school or an alternative setting or, if another school is not available, to provide tutoring in an alternative setting. However, one county reports that it is common practice for school systems to develop an educational plan that keeps a student who is convicted of or adjudicated delinquent for rape or a sexual offense separated from the victim and that there will be a limited number of cases when the requirement is triggered.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Maryland State Department of Education, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of State Police, Department of Public Safety and Correctional Services, Garrett and Montgomery counties, Department of Legislative Services

Fiscal Note History: First Reader - March 15, 2010
ncs/mwc Revised - Senate Third Reader - April 7, 2010

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510