

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 62

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Juvenile Services)

Judicial Proceedings

Judiciary

**Juvenile and Education Records - Disclosure Between Departments of Education
and Juvenile Services**

This departmental bill authorizes the Maryland State Department of Education (MSDE) and the Department of Juvenile Services (DJS) to share education records with each other when necessary to ensure the appropriate delivery of services for the Juvenile Services Education Program.

Fiscal Summary

State Effect: DJS and MSDE can use existing resources to share education records when necessary.

Local Effect: None.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: In general, a court record concerning a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by court order. However, when a student enrolled in a public or nonpublic school is arrested for committing a violent crime or for any of various gang-, weapons-, or drug-related charges, the law enforcement agency making the arrest must notify the local superintendent, the school principal, or the school security officer of the student's arrest

and the charges within 24 hours of the arrest or as soon as practicable. The State's Attorney must notify the local superintendent or school principal of the disposition of the student's case. Except by court order on a showing of good cause, information about the arrest and disposition of the case is considered confidential and may not be redisclosed or made part of the student's permanent school record. However, it may be shared as a confidential file with another public or nonpublic school in the State in which the student enrolls or transfers under certain circumstances.

Various public safety agencies, including DJS, are also allowed access to juvenile court records for specified purposes.

Under the federal Family Educational Rights and Privacy Act (FERPA), a student's educational records may not be disseminated to an entity like DJS without the written consent of the parents unless a State statute expressly authorizes the disclosure

Background: Chapter 535 of 2004 established a Juvenile Services Education Program within MSDE and required that the program provide educational services in all residential facilities of DJS by July 1, 2012. The Budget Reconciliation and Financing Act of 2009 (Chapter 487) extended the time period to July 1, 2014. As of July 1, 2010, MSDE had assumed control of six educational programs. This bill is intended to authorize MSDE and DJS to share education records of juveniles receiving MSDE educational services in a DJS facility. DJS advises that this is needed to ensure that the appropriate services are identified for the juveniles after they are released from the facility.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2011
ncs/kdm Revised - Senate Third Reader - March 28, 2011

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Records – Disclosure Between Departments of Education and Juvenile Services

BILL NUMBER: SB 62

PREPARED BY: Department of Juvenile Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.