

HOUSE BILL 1211

F1, E4
HB 18/24 – JUD

5lr1515

By: **Delegates R. Long, Buckel, Mangione, McComas, Miller, M. Morgan, T. Morgan, Pippy, Reilly, and Tomlinson**

Introduced and read first time: February 6, 2025

Assigned to: Ways and Means and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Reporting Arrests of Students – Alterations**

3 FOR the purpose of requiring a law enforcement agency making an arrest of a student for
4 a reportable offense or an offense related to the student's membership in a criminal
5 organization to report the arrest to the Maryland Center for School Safety, the
6 Juvenile Services Education Program, the State Board of Education, and the State's
7 Attorney; requiring the State's Attorney to notify the Maryland Center for School
8 Safety, the Juvenile Services Education Program, and the State Board of the
9 disposition of the offense; authorizing the Maryland Center for School Safety, the
10 Juvenile Services Education Program, and the State Board to transmit certain
11 information regarding the arrest to a certain county superintendent of schools or a
12 certain nonpublic school in a certain manner under certain circumstances; requiring
13 a county superintendent to provide a certain notice to the Maryland Center for
14 School Safety, the Juvenile Services Education Program, and the State Board under
15 certain circumstances; and generally relating to reporting arrests of students
16 attending public and nonpublic schools in the State.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 7–303
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2024 Supplement)

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

24 **Article – Education**

25 7–303.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (2) “Criminal organization” has the meaning stated in § 9–801 of the
3 Criminal Law Article.

4 (3) “Law enforcement agency” means the law enforcement agencies listed
5 in § 3–101(e) of the Public Safety Article.

6 (4) “Local school system” means the schools and school programs under the
7 supervision of the local superintendent.

8 (5) “Local superintendent” means:

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

11 (ii) The superintendent of schools for the:

12 1. Archdiocese of Baltimore;

13 2. Archdiocese of Washington; and

14 3. Catholic Diocese of Wilmington.

15 (6) “Reportable offense” means an offense that:

16 (i) Occurred off school premises;

17 (ii) Did not occur at an event sponsored by the school; and

18 (iii) Involved any of the following:

19 1. A crime of violence, as defined in § 14–101 of the Criminal
20 Law Article;

21 2. Any of the offenses enumerated in § 3–8A–03(e)(4) of the
22 Courts Article;

23 3. A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
24 Criminal Law Article;

25 4. A violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606,
26 § 5–607, § 5–608, § 5–608.1, § 5–609, § 5–612, § 5–613, § 5–614, § 5–617, § 5–618, § 5–627,
27 or § 5–628 of the Criminal Law Article;

28 5. A violation of § 4–503, § 9–504, or § 9–505 of the Criminal
29 Law Article;

- 1
2 Criminal Law Article;
- 3
4 Article;
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8 Law Article;
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6. A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
7. A violation of § 9–802 or § 9–803 of the Criminal Law
8. A violation of § 3–203 of the Criminal Law Article;
9. A violation of § 6–301 of the Criminal Law Article;
10. A violation of § 9–302, § 9–303, or § 9–305 of the Criminal
11. A violation of § 7–105 of the Criminal Law Article;
12. A violation of § 6–202 of the Criminal Law Article; or
13. A violation of § 10–606 of the Criminal Law Article.

12 (7) “School principal” means the principal of the public or nonpublic school
13 in which a student is enrolled, or a designee of the principal, who is an administrator.

14 (8) (i) “School security officer” includes a school principal, another
15 school administrator, a law enforcement officer, or other individual employed by a local
16 school system or a local government who is designated by the county superintendent or a
17 school principal to help maintain the security and safety of a school.

18 (ii) “School security officer” does not include a teacher.

19 (9) “Student” means an individual enrolled in a public school system or
20 nonpublic school in the State who is 5 years of age or older and under 22 years of age.

21 (b) If a student is arrested for a reportable offense or an offense that is related to
22 the student’s membership in a criminal organization, the law enforcement agency making
23 the arrest[:

24 (1) Shall] **SHALL** notify the following [individuals] **PERSONS** of the arrest
25 and the charges within 24 hours of the arrest or as soon as practicable:

26 [(i)] **(1)** The local superintendent;

27 [(ii)] **(2)** The school principal; [and]

28 [(iii)] **(3)** For a school that has a school security officer, the school
29 security officer; [and]

1 **(4) THE MARYLAND CENTER FOR SCHOOL SAFETY;**

2 **(5) THE JUVENILE SERVICES EDUCATION PROGRAM;**

3 **(6) THE STATE BOARD; AND**

4 **[(2)] (7) [May notify the] THE State's Attorney [of the arrest and**
5 **charges].**

6 (c) The State's Attorney shall promptly notify [either] the local superintendent
7 [or], the school principal, **THE MARYLAND CENTER FOR SCHOOL SAFETY, THE**
8 **JUVENILE SERVICES EDUCATION PROGRAM, AND THE STATE BOARD** of the
9 disposition of the reportable offense required to be reported under subsection (b) of this
10 section.

11 (d) Except by order of a juvenile court or other court upon good cause shown, the
12 information obtained by [an individual] **A PERSON** pursuant to subsections (b) and (c) of
13 this section:

14 (1) Is confidential and may not be redisclosed by subpoena or otherwise
15 except as provided pursuant to subsections (e) [and], (f), **AND (G)** of this section; and

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

17 (e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing
18 shall prohibit a local superintendent [or], A school principal, **THE MARYLAND CENTER**
19 **FOR SCHOOL SAFETY, THE JUVENILE SERVICES EDUCATION PROGRAM, OR THE**
20 **STATE BOARD** from transmitting the information obtained pursuant to subsections (b)
21 and (c) of this section as a confidential file to the local superintendent of another public
22 school system in the State or another nonpublic school in the State in which the student
23 has enrolled or been transferred in order to carry out the purposes of this section if the
24 disposition of the reportable offense was a conviction or an adjudication of delinquency or
25 the criminal charge or delinquency petition is still pending.

26 (2) A local superintendent or school principal who transmits information
27 about a student under this subsection shall include in the transmittal information
28 regarding any educational programming and related services provided to the student.

29 **(F) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS**
30 **SECTION, A LOCAL SUPERINTENDENT SHALL NOTIFY THE MARYLAND CENTER FOR**
31 **SCHOOL SAFETY, THE JUVENILE SERVICES EDUCATION PROGRAM, AND THE STATE**
32 **BOARD WHEN A STUDENT WHOSE INFORMATION HAS BEEN OBTAINED UNDER**
33 **SUBSECTION (B) OF THIS SECTION NO LONGER RESIDES WITHIN THE JURISDICTION**
34 **OF THE COUNTY BOARD.**

1 **[(f)] (G)** The State Board shall adopt regulations to ensure that information
2 obtained by a local superintendent, a school principal, **[or]** a school security officer, **THE**
3 **MARYLAND CENTER FOR SCHOOL SAFETY, THE JUVENILE SERVICES EDUCATION**
4 **PROGRAM, OR THE STATE BOARD** under subsections (b), (c), **[and]** (e), **AND (F)** of this
5 section is:

6 (1) Used to provide appropriate educational programming and related
7 services to the student and to maintain a safe and secure school environment for students
8 and school personnel;

9 (2) Transmitted only to school personnel of the school in which the student
10 is enrolled, **THE MARYLAND CENTER FOR SCHOOL SAFETY, THE JUVENILE**
11 **SERVICES EDUCATION PROGRAM, OR THE STATE BOARD** as necessary to carry out the
12 purposes set forth in item (1) of this subsection; and

13 (3) Destroyed when the student graduates or otherwise permanently
14 leaves school or turns 22 years old, whichever occurs first.

15 **[(g)] (H)** (1) Except as otherwise provided in paragraph (2) of this subsection,
16 the local superintendent and the school principal shall consider prohibiting a student who
17 is arrested for a reportable offense involving rape or a sexual offense from attending the
18 same school or riding on the same school bus as the alleged victim of the reportable offense
19 if such action is necessary or appropriate to protect the physical or psychological well-being
20 of the alleged victim.

21 (2) If a student is arrested for a reportable offense involving rape or a
22 sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense,
23 the student may not attend the same school or ride on the same school bus as the victim.

24 **[(h)] (I)** Nothing in this section is intended to limit the manner in which a local
25 school obtains information or uses information obtained by any lawful means other than
26 that set forth in subsections (b), (c), **[and]** (e), **AND (F)** of this section.

27 **[(i)] (J)** Each public school that enrolls students in grades six through twelve in
28 the State shall designate at least one school security officer.

29 **[(j)] (K)** (1) On or before December 30 each year, the Department, in
30 accordance with State and federal privacy laws, shall submit to the Governor and, in
31 accordance with § 2–1257 of the State Government Article, the General Assembly a report
32 that includes the following information about each reportable offense for which a local
33 school received information under subsection (b) of this section in the preceding school year:

34 (i) The nature of the reportable offense;

35 (ii) Verification that the offense occurred off school premises;

1 (iii) Action taken by the local school and county board after being
2 notified of the reportable offense;

3 (iv) The race, ethnicity, gender, and disability status of the student
4 arrested for the reportable offense;

5 (v) The grade of the student arrested for the reportable offense;

6 (vi) The regular school program of the student arrested for the
7 reportable offense;

8 (vii) Whether the student's regular school program was altered as a
9 result of the reportable offense;

10 (viii) If the student was removed from the student's regular school
11 program as a result of the reportable offense:

12 1. The amount of time during which the student was
13 removed; and

14 2. The student's placement and educational programming
15 during the period of removal; and

16 (ix) If removed from the student's regular school program, the
17 student's academic performance during the time period the student was removed, including
18 attendance, grades, and standardized test scores, and any additional disciplinary actions.

19 (2) Each county board and public school shall provide the Department with
20 any information necessary to issue its report in accordance with this section.

21 **[(k)] (L)** If a student is removed or excluded from the student's regular school
22 program for a reportable offense, the principal or county superintendent shall invite the
23 student's attorney, if the student has an attorney, to participate in the conference between
24 the student or the student's parent or guardian and the principal or county superintendent,
25 and the manifestation determination review, if applicable.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2025.