

SENATE BILL 386

F1, E3

5lr2015
CF 5lr2014

By: **Senator Folden**

Introduced and read first time: January 17, 2025

Assigned to: Education, Energy, and the Environment and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Definition and Notification of Reportable**
3 **Offense – Alterations**

4 FOR the purpose of altering the definition of “reportable offense” to remove the requirement
5 that the offense occurred off school premises and did not occur at an event sponsored
6 by the school; requiring the Department of Juvenile Services to report to the local
7 superintendent of schools and school principal for certain decisions made during a
8 certain inquiry of a juvenile offender for certain offenses; and generally relating to
9 reporting of arrests of students for reportable offenses.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–303
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2024 Supplement)

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

17 **Article – Education**

18 7–303.

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

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

22 (3) “Law enforcement agency” means the law enforcement agencies listed
23 in § 1–101(c) of the Public Safety Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(5) “Local superintendent” means:

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

(ii) The superintendent of schools for the:

1. Archdiocese of Baltimore;

2. Archdiocese of Washington; and

3. Catholic Diocese of Wilmington.

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

(i) Occurred off school premises;

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

(iii) Involved] **INVOLVED** any of the following:

[1.] **(I)** A crime of violence, as defined in § 14–101 of the Criminal Law Article;

[2.] **(II)** Any of the offenses enumerated in § 3–8A–03(e)(4) of the Courts Article;

[3.] **(III)** A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the Criminal Law Article;

[4.] **(IV)** A violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–607, § 5–608, § 5–608.1, § 5–609, § 5–612, § 5–613, § 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

[5.] **(V)** A violation of § 4–503, § 9–504, or § 9–505 of the Criminal Law Article;

[6.] **(VI)** A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the Criminal Law Article;

[7.] **(VII)** A violation of § 9–802 or § 9–803 of the Criminal Law Article;

[8.] (VIII) A violation of § 3–203 of the Criminal Law Article;

[9.] (IX) A violation of § 6–301 of the Criminal Law Article;

[10.] (X) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal Law Article;

[11.] (XI) A violation of § 7–105 of the Criminal Law Article;

[12.] (XII) A violation of § 6–202 of the Criminal Law Article;
or

[13.] (XIII) A violation of § 10–606 of the Criminal Law Article.

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

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

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

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

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

(1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:

(i) The local superintendent;

(ii) The school principal; and

(iii) For a school that has a school security officer, the school security officer; and

(2) May notify the State’s Attorney of the arrest and charges.

(c) (1) The State’s Attorney shall promptly notify either the local superintendent or the school principal of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(2) THE DEPARTMENT OF JUVENILE SERVICES SHALL PROMPTLY NOTIFY THE LOCAL SUPERINTENDENT AND THE SCHOOL PRINCIPAL OF THE DECISION MADE DURING AN INQUIRY UNDER § 3-8A-10(C) OF THE COURTS ARTICLE IF THE INTAKE OFFICER:

(I) PROPOSES AN INFORMAL ADJUSTMENT FOR A REPORTABLE OFFENSE REQUIRED TO BE REPORTED UNDER SUBSECTION (B) OF THIS SECTION; OR

(II) DENIES AUTHORIZATION TO FILE A PETITION FOR A REPORTABLE OFFENSE REQUIRED TO BE REPORTED UNDER SUBSECTION (B) OF THIS SECTION.

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by an individual pursuant to subsections (b) and (c) of this section:

(1) Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and

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

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent or school principal from transmitting the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending.

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

(f) The State Board shall adopt regulations to ensure that information obtained by a local superintendent, a school principal, or a school security officer under subsections (b), (c), and (e) of this section is:

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

(2) Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection; and

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

(g) (1) Except as otherwise provided in paragraph (2) of this subsection, the local superintendent and the school principal shall 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 of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.

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

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

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

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

(i) The nature of the reportable offense;

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

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

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

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

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

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

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

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

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

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

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

10 (k) If a student is removed or excluded from the student's regular school program
11 for a reportable offense, the principal or county superintendent shall invite the student's
12 attorney, if the student has an attorney, to participate in the conference between the
13 student or the student's parent or guardian and the principal or county superintendent,
14 and the manifestation determination review, if applicable.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2025.