

HOUSE BILL 203

F1, E4
HB 1268/22 – JUD

EMERGENCY BILL

3lr0891

By: **Delegate R. Long**

Introduced and read first time: January 20, 2023

Assigned to: 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 State
6 Board of Education, and the State's Attorney; requiring the State's Attorney to notify
7 the Maryland Center for School Safety and the State Board of the disposition of the
8 offense; authorizing the Maryland Center for School Safety and the State Board to
9 transmit certain information regarding the arrest to a certain county superintendent
10 of schools or a certain nonpublic school in a certain manner under certain
11 circumstances; requiring a county superintendent to provide a certain notice to the
12 Maryland Center for School Safety and the State Board under certain circumstances;
13 and generally relating to reporting arrests of students attending public and
14 nonpublic schools in the State.

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

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

22 **Article – Education**

23 7–303.

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

25 (2) “Criminal organization” has the meaning stated in § 9–801 of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Criminal Law Article.

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

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

6 (5) “Local superintendent” means:

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

9 (ii) The superintendent of schools for the:

10 1. Archdiocese of Baltimore;

11 2. Archdiocese of Washington; and

12 3. Catholic Diocese of Wilmington.

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

14 (i) Occurred off school premises;

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

16 (iii) Involved any of the following:

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

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

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

23 4. A violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606,
24 § 5–607, § 5–608, § 5–608.1, § 5–609, § 5–612, § 5–613, § 5–614, § 5–617, § 5–618, § 5–627,
25 or § 5–628 of the Criminal Law Article;

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

28 6. A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
29 Criminal Law Article;

- 1 Article;
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6 Law Article;
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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.

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

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

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

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

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

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

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

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

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

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

(5) THE STATE BOARD; AND

~~[(2)]~~ **(6)** [May notify the] **THE** State's Attorney [of the arrest and charges].

(c) The State's Attorney shall promptly notify ~~[either]~~ the local superintendent ~~[or]~~, the school principal, **THE MARYLAND CENTER FOR SCHOOL SAFETY, AND THE STATE BOARD** of the disposition of the 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]~~ **A PERSON** 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), **AND (G)** 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]~~, A school principal, **THE MARYLAND CENTER FOR SCHOOL SAFETY, OR THE STATE BOARD** 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) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, A LOCAL SUPERINTENDENT SHALL NOTIFY THE MARYLAND CENTER FOR SCHOOL SAFETY AND THE STATE BOARD WHEN A STUDENT WHOSE INFORMATION HAS BEEN OBTAINED UNDER SUBSECTION (B) OF THIS SECTION NO LONGER RESIDES WITHIN THE JURISDICTION OF THE COUNTY BOARD.

~~[(f)]~~ **(G)** The State Board shall adopt regulations to ensure that information obtained by a local superintendent, a school principal, ~~[or]~~ a school security officer, **THE MARYLAND CENTER FOR SCHOOL SAFETY, OR THE STATE BOARD** under subsections (b), (c), ~~[and]~~ (e), **AND (F)** 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

1 and school personnel;

2 (2) Transmitted only to school personnel of the school in which the student
3 is enrolled, **THE MARYLAND CENTER FOR SCHOOL SAFETY, OR THE STATE BOARD** as
4 necessary to carry out the purposes set forth in item (1) of this subsection; and

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

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

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

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

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

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

26 (i) The nature of the reportable offense;

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

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

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

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

33 (vi) The regular school program of the student arrested for the

1 reportable offense;

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

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

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
21 measure, is necessary for the immediate preservation of the public health or safety, has
22 been passed by a yea and nay vote supported by three-fifths of all the members elected to
23 each of the two Houses of the General Assembly, and shall take effect from the date it is
24 enacted.