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Annotated Code of Maryland
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*** CURRENT THROUGH THE 2005 REGULAR SESSION AND CHAPTERS 1 THROUGH 17
OF THE 2006 REGULAR SESSION ***
*** ANNOTATIONS ARE CURRENT THROUGH JUNE 2, 2006 ***

EDUCATION
DIVISION II. ELEMENTARY AND SECONDARY EDUCATION
TITLE 7. PUBLIC SCHOOLS
SUBTITLE 3. ATTENDANCE AND DISCIPLINE OF STUDENTS

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Md. EDUCATION Code Ann. § 7-303 (2006)

STATUS: CONSULT SLIP LAWS CITED BELOW FOR RECENT CHANGES TO THIS DOCUMENT LEXSEE
2006 Md. ALS 38 — See section 1.

§ 7-303. Arrest for reportable offense

(a) Definitions. —

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

(2) "Criminal gang" has the meaning stated in § 9-801 of the *Criminal Law Article*.

(3) "Law enforcement agency" means the law enforcement agencies listed in § 3-101(e) of the *Public Safety Article*.

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

(5) "Local superintendent" means the county superintendent, for the county in which a child is enrolled, or a designee of the superintendent, who is an administrator.

(6) "Reportable offense" means:

(i) A crime of violence, as defined in § 14-101 of the *Criminal Law Article*;

(ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the *Courts Article*;

(iii) A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the *Criminal Law Article*;

(iv) A violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, § 5-627, or § 5-628 of the *Criminal Law Article*;

(v) A violation of § 4-503, § 9-504, or § 9-505 of the *Criminal Law Article*;

(vi) A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the *Criminal Law Article*; or

(vii) A violation of § 9-802 or § 9-803 of the *Criminal Law Article*.

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

(b) Notification of local superintendent — Arrest and charges. — If a student is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, the law enforcement agency making the arrest shall notify the local superintendent of the arrest and the charges within 24 hours of the arrest or as soon as practicable.

(c) Same — Disposition. — The State's Attorney shall promptly notify the local superintendent of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(d) Information confidential. — Except by order of a juvenile court or other court upon good cause shown, the information obtained by a local superintendent 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) Same — Exception. —

(1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent 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 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 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) Regulations in limiting use of information. — The State Board shall adopt regulations to ensure that information obtained by a local superintendent 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; and

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

(g) No limitation in use of other lawful information. — 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.

HISTORY: 1995, chs. 111, 112; 1996, ch. 10, § 16; 1999, ch. 34, § 1; chs. 561, 562; 2001, ch. 415, § 6; ch. 618; 2002, ch. 213, § 6; 2003, ch. 17; 2005, chs. 313, 361.

NOTES:

EFFECT OF AMENDMENTS.—Chapter 313, Acts 2005, effective October 1, 2005, added (a)(2) and redesignated the remaining subdivisions accordingly, added (a)(6)(vi) and (a)(6)(vii); and inserted "or an offense that is related to the student's membership in a criminal gang" after "reportable offense" in (b).

Chapter 361, Acts 2005, effective October 1, 2005, added (a)(6); substituted "student" for "child enrolled in the public school system" in (b); substituted "student's" for "child's" in (d)(2); substituted "student" for "child" twice in (e)(2), (f)(1) and (f)(2).

EDITOR'S NOTE.—Section 2, ch. 361, Acts 2005, provides that "it is the intent of the General Assembly that nothing in this section shall be construed to alter the age at which an individual is eligible for education and related services under the Education Article."

Chapters 313 and 361, Acts 2005, both amended (a) and (b). Neither of the 2005 amendments referred to the other, and effect has been given to each as to the amendments to (a), since they amended separate subdivisions. In (b), the language has been combined to achieve the effects of both: "If a student in the public school system is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, .."

BILL REVIEW LETTER.—Chapter 313, Acts 2005 (Senate Bill 488) was approved for constitutionality and legal sufficiency, although the provision in the title relates only to criminal gang offenses and gives no indication of any effect on arson offenses, which were added as an amendment to the bill; this language is severable and its exclusion would not affect the validity of the remainder of the bill, and the title defect can be cured in next year's curative bill. (Letter of the Attorney General dated May 4, 2005.)