

HOUSE BILL 1160

F1, E3

0lr0581

By: **Delegates Busch, Dumais, Gilchrist, Heller, Hixson, Ivey, Kaiser, Kramer, Manno, Myers, Olszewski, and Rice**
Introduced and read first time: February 17, 2010
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Safe Schools Act of 2010**

3 FOR the purpose of requiring the juvenile court to notify a certain school official that
4 a child has been found to be delinquent, in need of assistance, or in need of
5 supervision and committed to a certain agency under certain circumstances;
6 adding certain offenses to a list of offenses for which a student is arrested that
7 are required to be reported to certain school officials under certain
8 circumstances; requiring a certain local law enforcement agency to notify a
9 school security officer of the arrest of a student for a certain offense within a
10 certain period of time under certain circumstances; authorizing a certain law
11 enforcement agency to notify the State's Attorney of the arrest of a student for a
12 certain offense; requiring a local school superintendent and a school principal to
13 consider prohibiting a student who is arrested for a reportable offense from
14 attending the same school or riding on the same school bus as the alleged victim
15 under certain circumstances; prohibiting a student who is convicted of or
16 adjudicated delinquent for a reportable offense involving rape or a sexual
17 offense from attending the same school or riding on the same school bus as the
18 victim; requiring each public middle and high school to designate at least one
19 school security officer; requiring the State Board of Education to develop a
20 model policy to address gangs and gang-like activity in schools; specifying the
21 components of the model policy; requiring each county board of education to
22 establish a policy to address gangs and gang-like activity; requiring each county
23 board to develop the policy in consultation with certain groups; requiring each
24 county board to publicize its policy in a certain manner; requiring each county
25 board to submit its policy to the State Board by a certain date; requiring each
26 county board to develop certain educational programs to address gangs and
27 gang-like activity in schools; requiring a school employee to report suspected
28 gang or gang-like activity to certain school officials; authorizing certain school
29 officials to take certain actions; requiring each county superintendent of schools
30 to require certain school security meetings for certain schools; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 participation of certain individuals in school security meetings; requiring each
 2 county superintendent to enter into a certain memorandum of understanding
 3 with the county State's Attorney's Office; requiring the State Department of
 4 Education to submit a certain report to the General Assembly on or before a
 5 certain date each year; requiring the Governor's Office of Crime Control and
 6 Prevention to perform certain actions and submit a certain report to the
 7 General Assembly on or before a certain date; defining certain terms; repealing
 8 a certain definition; altering a certain definition; making certain clarifying and
 9 conforming changes; and generally relating to school safety, gang prevention
 10 and intervention in schools, and truancy.

11 BY repealing and reenacting, with amendments,
 12 Article – Courts and Judicial Proceedings
 13 Section 3–819(b–1) and 3–8A–19(d)(5)
 14 Annotated Code of Maryland
 15 (2006 Replacement Volume and 2009 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article – Education
 18 Section 7–302 and 7–303
 19 Annotated Code of Maryland
 20 (2008 Replacement Volume and 2009 Supplement)

21 BY adding to
 22 Article – Education
 23 Section 7–424.2
 24 Annotated Code of Maryland
 25 (2008 Replacement Volume and 2009 Supplement)

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

28 **Article – Courts and Judicial Proceedings**

29 3–819.

30 (b–1) (1) If the court finds that a child is in need of assistance and commits
 31 the child to the custody of a local department, the court [may] **SHALL** notify the
 32 county superintendent, the supervisor of pupil personnel, or any other official
 33 designated by the county superintendent of the fact that the child has been found to be
 34 in need of assistance and has been committed to the custody of a local department.

35 (2) The notice may not include any order or pleading related to the
 36 child in need of assistance case.

37 3–8A–19.

1 (d) (5) (i) If the court finds that a child is **DELINQUENT OR** in need of
2 supervision and commits the child to the custody or under the guardianship of the
3 Department of Juvenile Services, the court [may] **SHALL** notify the county
4 superintendent, the supervisor of pupil personnel, or any other official designated by
5 the county superintendent of the fact that the child has been found to be in need of
6 supervision and has been committed to the custody or under the guardianship of the
7 Department of Juvenile Services.

8 (ii) The notice may not include any order or pleading related to
9 the child in need of supervision case.

10 Article – Education

11 7–302.

12 (a) The principal or head teacher of each public or private school in this State
13 shall report immediately to the county superintendent, the supervisor of pupil
14 personnel, or any other official designated by the county superintendent the name of
15 each child enrolled in his school who has been absent or irregular in attendance,
16 without lawful excuse, or who shows evidence of maladjustment, so that the causes
17 may be studied and solutions worked out.

18 (b) On receipt of a report from a principal or head teacher of a public school
19 that a student has been habitually truant without lawful excuse, the appropriate
20 representative of the school system:

21 (1) Shall initiate an investigation into the cause of the child's truancy;

22 (2) May provide counseling regarding the availability of social, health,
23 and educational services; and

24 (3) Following the investigation or intervention:

25 (i) May notify the Department of Juvenile Services that the
26 student has been habitually truant, without lawful excuse;

27 (ii) [Shall] **FOR A STUDENT DESCRIBED IN § 3–819(B–1) OF**
28 **THE COURTS ARTICLE, SHALL** notify the appropriate local department that the
29 student has been habitually truant, without lawful excuse[, if a court has given the
30 notice authorized by § 3–819(b–1) of the Courts Article]; and

31 (iii) [Shall] **FOR A STUDENT DESCRIBED IN § 3–8A–19(D)(5)**
32 **OF THE COURTS ARTICLE, SHALL** notify the Department of Juvenile Services that
33 the student has been habitually truant, without lawful excuse[, if a court has given
34 the notice authorized by § 3–8A–19(d)(5) of the Courts Article].

1 (c) The county superintendent, the superintendent's designee, or the
 2 supervisor of pupil personnel shall provide to the local education agency for inclusion
 3 in the report of the local education agency under § 7-304(f)(1) of this subtitle
 4 information regarding the number of students identified as being habitually truant.

5 7-303.

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

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

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

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

13 (5) "Local superintendent" means:

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

16 (ii) The superintendent of schools for the:

17 1. Archdiocese of Baltimore;

18 2. Archdiocese of Washington; and

19 3. Catholic Diocese of Wilmington.

20 [(6) "Nonpublic school principal" means the principal of the nonpublic
 21 school in which a student is enrolled, or a designee of the principal, who is an
 22 administrator.]

23 [(7) (6) "Reportable offense" means:

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

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

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

1 (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through
2 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

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

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

7 (vii) A violation of § 9–802 or § 9–803 of the Criminal Law
8 Article;

9 (VIII) A VIOLATION OF § 3–203 OF THE CRIMINAL LAW
10 ARTICLE; OR

11 (IX) A VIOLATION OF § 6–301 OF THE CRIMINAL LAW
12 ARTICLE.

13 (7) “SCHOOL PRINCIPAL” MEANS THE PRINCIPAL OF THE PUBLIC
14 OR NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE OF
15 THE PRINCIPAL, WHO IS AN ADMINISTRATOR.

16 (8) “SCHOOL SECURITY OFFICER” MEANS AN INDIVIDUAL
17 DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO
18 HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL.

19 [(8)] (9) “Student” means an individual enrolled in a public school
20 system or nonpublic school in the State who is 5 years of age or older and under 22
21 years of age.

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

25 (1) [shall] SHALL notify [either] THE FOLLOWING INDIVIDUALS OF
26 THE ARREST AND THE CHARGES WITHIN 24 HOURS OF THE ARREST OR AS SOON
27 AS PRACTICABLE:

28 (I) [the] THE local superintendent [or];

29 (II) [the] THE [nonpublic] school principal [of the arrest and the
30 charges within 24 hours of the arrest or as soon as practicable]; AND

31 (III) FOR A SCHOOL THAT HAS A SCHOOL SECURITY
32 OFFICER, THE SCHOOL SECURITY OFFICER; AND

1 **(2) MAY NOTIFY THE STATE'S ATTORNEY OF THE ARREST AND**
2 **CHARGES.**

3 (c) The State's Attorney shall promptly notify either the local superintendent
4 or the [nonpublic] school principal of the disposition of the reportable offense required
5 to be reported under subsection (b) of this section.

6 (d) Except by order of a juvenile court or other court upon good cause shown,
7 the information obtained by [a local superintendent or nonpublic school principal] **AN**
8 **INDIVIDUAL** pursuant to subsections (b) and (c) of this section:

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

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

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

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

25 (f) The State Board shall adopt regulations to ensure that information
26 obtained by a local superintendent [or nonpublic school principal], **A SCHOOL**
27 **PRINCIPAL, OR A SCHOOL SECURITY OFFICER** under subsections (b), (c), and (e) of
28 this section is:

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

32 (2) Transmitted only to [the school principal of the school in which the
33 student is enrolled and other] school personnel **OF THE SCHOOL IN WHICH THE**
34 **STUDENT IS ENROLLED AS** necessary to carry out the purposes set forth in item (1) of
35 this subsection.

1 **(G) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS**
2 **SUBSECTION, THE LOCAL SUPERINTENDENT AND THE SCHOOL PRINCIPAL**
3 **SHALL CONSIDER PROHIBITING A STUDENT WHO IS ARRESTED FOR A**
4 **REPORTABLE OFFENSE FROM ATTENDING THE SAME SCHOOL OR RIDING ON**
5 **THE SAME SCHOOL BUS AS THE ALLEGED VICTIM OF THE REPORTABLE OFFENSE**
6 **IF SUCH ACTION IS NECESSARY OR APPROPRIATE TO PROTECT THE PHYSICAL**
7 **OR PSYCHOLOGICAL WELL-BEING OF THE ALLEGED VICTIM.**

8 **(2) IF A STUDENT IS ARRESTED FOR A REPORTABLE OFFENSE**
9 **INVOLVING RAPE OR A SEXUAL OFFENSE AND IS CONVICTED OF OR**
10 **ADJUDICATED DELINQUENT FOR THE RAPE OR SEXUAL OFFENSE, THE STUDENT**
11 **MAY NOT ATTEND THE SAME SCHOOL OR RIDE ON THE SAME SCHOOL BUS AS**
12 **THE VICTIM.**

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

16 **(I) EACH PUBLIC MIDDLE SCHOOL AND HIGH SCHOOL IN THE STATE**
17 **SHALL DESIGNATE AT LEAST ONE SCHOOL SECURITY OFFICER.**

18 **7-424.2.**

19 **(A) IN THIS SECTION, "SCHOOL SECURITY OFFICER" MEANS AN**
20 **INDIVIDUAL DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL**
21 **PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL.**

22 **(B) BY JANUARY 1, 2011, THE STATE BOARD, AFTER CONSULTATION**
23 **WITH AND INPUT FROM THE DEPARTMENT OF JUVENILE SERVICES, THE**
24 **DEPARTMENT OF STATE POLICE, AND LOCAL SCHOOL SYSTEMS, SHALL**
25 **DEVELOP A MODEL POLICY TO ADDRESS GANGS AND GANG-LIKE ACTIVITY IN**
26 **SCHOOLS.**

27 **(C) THE MODEL POLICY DEVELOPED UNDER SUBSECTION (B) OF THIS**
28 **SECTION SHALL INCLUDE:**

29 **(1) A STATEMENT PROHIBITING GANG ACTIVITY IN SCHOOLS;**

30 **(2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION**
31 **AGAINST INDIVIDUALS WHO REPORT SUSPECTED GANG ACTIVITY;**

32 **(3) A DEFINITION OF GANG AND GANG ACTIVITY;**

1 **(4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**
2 **INDIVIDUALS ENGAGED IN GANG OR GANG-LIKE ACTIVITY;**

3 **(5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**
4 **INDIVIDUALS FOUND TO HAVE MADE FALSE ACCUSATIONS;**

5 **(6) MODEL PROCEDURES FOR REPORTING SUSPECTED GANG OR**
6 **GANG-LIKE ACTIVITY;**

7 **(7) MODEL PROCEDURES FOR THE PROMPT INVESTIGATION OF**
8 **SUSPECTED GANG OR GANG-LIKE ACTIVITY;**

9 **(8) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES,**
10 **INCLUDING FAMILY SUPPORT SERVICES, FOR A STUDENT SUSPECTED OF**
11 **PARTICIPATING IN GANG ACTIVITY; AND**

12 **(9) RECOMMENDATIONS CONCERNING GANG PREVENTION AND**
13 **INTERVENTION SERVICES AND PROGRAMS FOR STUDENTS THAT MAXIMIZE**
14 **COMMUNITY PARTICIPATION AND THE USE OF FEDERAL FUNDING.**

15 **(D) (1) EACH COUNTY BOARD SHALL ESTABLISH A POLICY TO**
16 **ADDRESS GANGS AND GANG-LIKE ACTIVITY IN SCHOOLS BASED ON THE MODEL**
17 **POLICY.**

18 **(2) THE POLICY SHALL ADDRESS THE COMPONENTS OF THE**
19 **MODEL POLICY SPECIFIED IN SUBSECTION (C) OF THIS SECTION.**

20 **(3) EACH COUNTY BOARD SHALL DEVELOP THE POLICY IN**
21 **CONSULTATION WITH REPRESENTATIVES OF THE FOLLOWING GROUPS:**

22 **(I) PARENTS OR GUARDIANS OF STUDENTS;**

23 **(II) SCHOOL EMPLOYEES AND ADMINISTRATORS;**

24 **(III) SCHOOL VOLUNTEERS;**

25 **(IV) STUDENTS;**

26 **(V) LOCAL LAW ENFORCEMENT;**

27 **(VI) THE MARYLAND STATE'S ATTORNEYS ASSOCIATION;**

28 **AND**

29 **(VII) MEMBERS OF THE COMMUNITY.**

1 **(E) EACH COUNTY BOARD SHALL SUBMIT ITS POLICY TO THE STATE**
2 **SUPERINTENDENT BY SEPTEMBER 1, 2011.**

3 **(F) EACH COUNTY BOARD SHALL PUBLICIZE ITS POLICY IN STUDENT**
4 **HANDBOOKS, ON SCHOOL SYSTEM WEBSITES, AND AT ANY OTHER LOCATION OR**
5 **VENUE THE COUNTY BOARD DETERMINES IS NECESSARY OR APPROPRIATE.**

6 **(G) EACH COUNTY BOARD SHALL DEVELOP THE FOLLOWING**
7 **EDUCATIONAL PROGRAMS IN ITS EFFORTS TO ADDRESS GANGS AND GANG-LIKE**
8 **ACTIVITY IN SCHOOLS:**

9 **(1) AN EDUCATIONAL GANG AWARENESS PROGRAM FOR**
10 **STUDENTS, STAFF, VOLUNTEERS, AND PARENTS; AND**

11 **(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM**
12 **THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY.**

13 **(H) (1) A SCHOOL EMPLOYEE SHALL REPORT ANY INCIDENCE OF**
14 **SUSPECTED GANG OR GANG-LIKE ACTIVITY PROMPTLY TO THE PRINCIPAL AND,**
15 **FOR A SCHOOL THAT HAS A SCHOOL SECURITY OFFICER, TO THE SCHOOL**
16 **SECURITY OFFICER.**

17 **(2) THE PRINCIPAL AND THE SCHOOL SECURITY OFFICER MAY**
18 **TAKE APPROPRIATE ACTION TO MAINTAIN A SAFE AND SECURE SCHOOL**
19 **ENVIRONMENT, INCLUDING THE PROVISION OF APPROPRIATE INTERVENTION**
20 **SERVICES.**

21 **(I) (1) EACH COUNTY SUPERINTENDENT SHALL REQUIRE REGULAR**
22 **SCHOOL SECURITY MEETINGS FOR EACH MIDDLE SCHOOL AND HIGH SCHOOL TO**
23 **ENSURE COORDINATION OF GANG PREVENTION, INTERVENTION, AND**
24 **SUPPRESSION EFFORTS.**

25 **(2) THE FOLLOWING INDIVIDUALS SHALL PARTICIPATE IN THE**
26 **MEETINGS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:**

27 **(I) SCHOOL PRINCIPALS;**

28 **(II) SCHOOL SECURITY OFFICERS;**

29 **(III) GUIDANCE COUNSELORS;**

30 **(IV) LOCAL LAW ENFORCEMENT OFFICERS;**

1 **(V) REPRESENTATIVES FROM THE COUNTY STATE'S**
2 **ATTORNEY'S OFFICE;**

3 **(VI) GANG PREVENTION AND INTERVENTION PROGRAM**
4 **REPRESENTATIVES; AND**

5 **(VII) ANY OTHER INDIVIDUALS THAT THE COUNTY**
6 **SUPERINTENDENT CONSIDERS APPROPRIATE.**

7 **(J) EACH COUNTY SUPERINTENDENT SHALL ENTER INTO A**
8 **MEMORANDUM OF UNDERSTANDING WITH THE COUNTY STATE'S ATTORNEY'S**
9 **OFFICE TO FOSTER COORDINATION OF GANG PREVENTION, INTERVENTION,**
10 **AND SUPPRESSION EFFORTS.**

11 **(K) ON OR BEFORE JANUARY 1, 2011, AND EACH YEAR THEREAFTER,**
12 **THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN**
13 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**
14 **IMPLEMENTATION OF STATE AND LOCAL POLICIES TO ADDRESS GANGS AND**
15 **GANG-LIKE ACTIVITY DESCRIBED IN THIS SECTION.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1,
17 2011, the Governor's Office of Crime Control and Prevention shall: (1) perform a
18 community services survey to determine which gang prevention and intervention
19 services exist in each county; (2) develop criteria for gang prevention and intervention
20 programs that are evidence-based and produce measurable outcomes; (3) make
21 recommendations for a pilot program to provide comprehensive gang prevention and
22 intervention services for a high school where gang activity is prevalent and the high
23 school's middle school feeder system; and (4) report its findings and recommendations
24 to the General Assembly, in accordance with § 2-1246 of the State Government
25 Article.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010.