

SENATE BILL 231

F1

8lr0442

By: **Senators Jacobs, Brinkley, Colburn, Forehand, Glassman, Haines, Kelley, Kittleman, Klausmeier, Kramer, Middleton, Munson, Muse, Simonaire, Stoltzfus, and Stone**

Introduced and read first time: January 23, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Certified Teachers – Flagging Investigative Proceedings**

3 FOR the purpose of requiring a county superintendent of education to send a certain
4 notice to the State Superintendent of Schools that a certain investigative
5 proceeding involving a complaint has been initiated against a certain certificate
6 holder if the complaint alleges certain crimes; requiring that a certain notice be
7 sent within a certain number of days and include certain information; requiring
8 the State Superintendent to place immediately a certain warning flag on a
9 certain certificate holder's file under certain circumstances; requiring a county
10 superintendent to send a certain notice to the State Superintendent regarding
11 the disposition of certain investigative proceedings within a certain number of
12 days after the conclusion of a certain proceeding; providing for a certain penalty;
13 defining certain terms; and generally relating to flagging investigative
14 proceedings in files of certified teachers.

15 BY adding to

16 Article – Education

17 Section 6–202.1

18 Annotated Code of Maryland

19 (2006 Replacement Volume and 2007 Supplement)

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

22 **Article – Education**

23 **6–202.1.**

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
2 MEANINGS INDICATED.

3 (2) “INVESTIGATIVE PROCEEDING” MEANS AN INVESTIGATION OF
4 A COMPLAINT OF MISCONDUCT CONDUCTED BY A LAW ENFORCEMENT
5 AUTHORITY, A LOCAL DEPARTMENT OF SOCIAL SERVICES, OR A COUNTY BOARD.

6 (3) “WARNING FLAG” MEANS A FLAG PLACED ON A CERTIFICATE
7 HOLDER’S PERSONNEL FILE INDICATING THAT THE CERTIFICATE HOLDER IS
8 THE SUBJECT OF AN ONGOING INVESTIGATIVE PROCEEDING.

9 (B) (1) A COUNTY SUPERINTENDENT SHALL SEND TO THE STATE
10 SUPERINTENDENT WRITTEN NOTICE THAT AN INVESTIGATIVE PROCEEDING HAS
11 BEEN INITIATED AGAINST A CERTIFICATE HOLDER UNDER THE JURISDICTION
12 OF THE COUNTY BOARD IF THE COMPLAINT ALLEGES:

13 (I) CHILD ABUSE OR NEGLECT;

14 (II) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE
15 CRIMINAL LAW ARTICLE; OR

16 (III) A SEX CRIME UNDER TITLE 3, SUBTITLE 3 OF THE
17 CRIMINAL LAW ARTICLE.

18 (2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
19 SUBSECTION SHALL BE SENT WITHIN 5 DAYS AFTER THE INITIATION OF AN
20 INVESTIGATIVE PROCEEDING AND SHALL INCLUDE:

21 (I) THE NAME AND LAST KNOWN ADDRESS OF THE
22 CERTIFICATE HOLDER BEING INVESTIGATED;

23 (II) THE TYPE OF CERTIFICATE ISSUED; AND

24 (III) A LIST OF THE COMPLAINT ALLEGATIONS SUBJECT TO
25 NOTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

26 (C) THE STATE SUPERINTENDENT IMMEDIATELY SHALL PLACE A
27 WARNING FLAG ON A CERTIFICATE HOLDER’S PERSONNEL FILE ON RECEIPT OF
28 A NOTICE SENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

29 (D) A COUNTY SUPERINTENDENT SHALL SEND TO THE STATE
30 SUPERINTENDENT WRITTEN NOTICE OF THE FINAL DISPOSITION OF THE
31 INVESTIGATIVE PROCEEDING AGAINST A CERTIFICATE HOLDER OF WHICH THE

1 **STATE SUPERINTENDENT WAS NOTIFIED IN ACCORDANCE WITH THIS SECTION**
2 **WITHIN 5 DAYS AFTER THE CONCLUSION OF THE PROCEEDING.**

3 **(E) IF A COUNTY SUPERINTENDENT VIOLATES ANY PROVISION OF THIS**
4 **SECTION, THE COUNTY IS DEEMED TO HAVE WAIVED THE ELIGIBILITY FOR A**
5 **TEACHER WITHIN THE JURISDICTION OF THE COUNTY BOARD FOR ANY GRANT**
6 **OR PROGRAM AVAILABLE TO A TEACHER IN THE STATE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2008.