

Chapter 188

(House Bill 1160)

AN ACT concerning

Safe Schools Act of 2010

FOR the purpose of ~~requiring~~ clarifying the authority of the juvenile court to notify ~~a~~ certain school ~~official~~ officials that a child has been found to be delinquent, in need of assistance, or in need of supervision and committed to a certain agency under certain circumstances; ~~requiring~~ authorizing a court to notify certain school officials if a child found to be delinquent, in need of assistance, or in need of supervision is no longer committed to the custody of certain agencies; ~~requiring that certain information transmitted by the juvenile court to certain school officials relating to a child found to be delinquent, in need of assistance, or in need of supervision is confidential and may not be made part of the student's permanent educational record; authorizing a local superintendent of schools to transmit certain information as a confidential file to certain persons under certain circumstances;~~ adding certain offenses to a list of offenses for which a student is arrested that are required to be reported to certain school officials under certain circumstances; requiring a certain local law enforcement agency to notify a school security officer of the arrest of a student for a certain offense within a certain period of time under certain circumstances; authorizing a certain law enforcement agency to notify the State's Attorney of the arrest of a student for a certain offense; requiring the State Board of Education to adopt certain regulations; requiring a local school superintendent and a school principal to 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 under certain circumstances; prohibiting a student who is convicted of or adjudicated delinquent for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the victim; requiring ~~each public middle and high school~~ certain public schools to designate at least one school security officer; requiring the State Board of Education to develop a model policy to address gangs ~~and gang-like activity,~~ gang activity, and similar destructive or illegal group behavior in schools; specifying the components of the model policy; requiring each ~~county board of education~~ local school system to establish a policy or regulations to address gangs ~~and gang-like activity,~~ gang activity, and similar destructive or illegal group behavior; requiring each ~~county board~~ local school system to develop the policy or regulations in consultation with certain groups; requiring each ~~county board~~ local school system to publicize its policy or regulations in a certain manner; requiring each ~~county board~~ local school system to submit its policy or regulations to the State Board by a certain date; requiring each ~~county board~~ local school system to develop certain

educational programs to address gangs ~~and gang-like activity~~, gang activity, and similar destructive or illegal group behavior in schools; requiring a school employee to report suspected ~~gang or gang-like activity~~ gang activity or similar destructive or illegal group behavior to certain school officials; authorizing certain school officials to take certain actions; requiring each county superintendent of schools to require certain school security meetings for certain schools; requiring the participation of certain individuals in school security meetings; requiring each county superintendent to enter into a certain memorandum of understanding with the county State's Attorney's Office; requiring the State Department of Education to submit a certain report to the General Assembly on or before a certain date each year; requiring the Governor's Office of Crime Control and Prevention to perform certain actions and submit a certain report to the General Assembly on or before a certain date; requiring the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education to report to the Governor, the General Assembly, and certain legislative committees on or before a certain date regarding a certain process, certain notification, and certain recommendations; defining certain terms; repealing a certain definition; altering a certain definition; making certain clarifying and conforming changes; and generally relating to school safety, gang prevention and intervention in schools, and truancy.

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

BY repealing and reenacting, without amendments,
Article – Education
Section 7–302
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

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

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

Article – Courts and Judicial Proceedings

3–819.

(b-1) (1) If the court finds that a child ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL is in need of assistance and commits the child to the custody of a local department, the court ~~may~~ **SHALL** notify the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent of the fact that the child has been found to be in need of assistance and has been committed to the custody of a local department.

(2) IF THE COURT RESCINDS THE COMMITMENT ORDER FOR A CHILD ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, THE COURT SHALL MAY NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT OF THE FACT THAT THE CHILD IS NO LONGER COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT OF SOCIAL SERVICES.

~~(2)~~ **(3) The notice REQUIRED AUTHORIZED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION may not include any order or pleading related to the child in need of assistance case.**

~~(4) EXCEPT BY ORDER OF A JUVENILE COURT OR OTHER COURT ON GOOD CAUSE SHOWN, THE INFORMATION OBTAINED BY AN INDIVIDUAL UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION;~~

~~(i) IS CONFIDENTIAL AND MAY NOT BE REDISCLOSED BY SUBPOENA OR OTHERWISE EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION; AND~~

~~(h) MAY NOT BE MADE PART OF THE STUDENT'S PERMANENT EDUCATIONAL RECORD.~~

~~(5) A LOCAL SUPERINTENDENT MAY TRANSMIT THE INFORMATION OBTAINED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION AS A CONFIDENTIAL FILE TO THE LOCAL SUPERINTENDENT OF ANOTHER PUBLIC SCHOOL SYSTEM IN THE STATE OR A NONPUBLIC SCHOOL IN THE STATE IN WHICH THE STUDENT HAS ENROLLED OR BEEN TRANSFERRED IF THE STUDENT IS STILL COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT.~~

~~(6) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT PARAGRAPHS (4) AND (5) OF THIS SUBSECTION.~~

3-8A-19.

(d) (5) (i) If the court finds that a child ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL is DELINQUENT OR in need of supervision and commits the child to the custody or under the guardianship of the Department of Juvenile Services, the court ~~[may]~~ ~~SHALL~~ notify the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent of the fact that the child has been found to be DELINQUENT OR in need of supervision and has been committed to the custody or under the guardianship of the Department of Juvenile Services.

(II) IF THE COURT RESCINDS THE COMMITMENT ORDER FOR A CHILD ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, THE COURT SHALL MAY NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT OF THE FACT THAT THE CHILD IS NO LONGER COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES.

~~(ii) (III) The notice REQUIRED AUTHORIZED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH may not include any order or pleading related to the DELINQUENCY OR child in need of supervision case.~~

~~(IV) EXCEPT BY ORDER OF A JUVENILE COURT OR OTHER COURT ON GOOD CAUSE SHOWN, THE INFORMATION OBTAINED BY AN INDIVIDUAL UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH:~~

~~1. IS CONFIDENTIAL AND MAY NOT BE REDISCLOSED BY SUBPOENA OR OTHERWISE EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS SUBSECTION; AND~~

~~2. MAY NOT BE MADE PART OF THE STUDENT'S PERMANENT EDUCATIONAL RECORD.~~

~~(V) A LOCAL SUPERINTENDENT MAY TRANSMIT THE INFORMATION OBTAINED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS SUBSECTION AS A CONFIDENTIAL FILE TO THE LOCAL SUPERINTENDENT OF ANOTHER PUBLIC SCHOOL SYSTEM IN THE STATE OR A NONPUBLIC SCHOOL IN THE STATE IN WHICH THE STUDENT HAS ENROLLED OR BEEN TRANSFERRED IF THE STUDENT IS STILL COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT.~~

~~(VI) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH.~~

Article – Education

7–302.

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

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

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

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

(3) Following the investigation or intervention:

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

(ii) ~~{Shall} FOR A STUDENT DESCRIBED IN § 3-819(B-1) OF THE COURTS ARTICLE, SHALL~~ notify the appropriate local department that the student has been habitually truant, without lawful excuse~~}, if a court has given the notice authorized by § 3-819(b-1) of the Courts Article}; and~~

(iii) ~~{Shall} FOR A STUDENT DESCRIBED IN § 3-8A-19(D)(5) OF THE COURTS ARTICLE, SHALL~~ notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse~~}, if a court has given the notice authorized by § 3-8A-19(d)(5) of the Courts Article}; and~~

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

7–303.

(a) (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:

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

[(7)] **(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;

(VIII) A VIOLATION OF § 3-203 OF THE CRIMINAL LAW ARTICLE; ~~OR~~

(IX) A VIOLATION OF § 6-301 OF THE CRIMINAL LAW ARTICLE;

(X) A VIOLATION OF § 9-302, § 9-303, OR § 9-305 OF THE CRIMINAL LAW ARTICLE; OR

(XI) A VIOLATION OF § 7-105 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” MEANS AN INDIVIDUAL DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL~~ 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.

[(8)] (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 gang, the law enforcement agency making the arrest:

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

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

(II) [the] **THE** [nonpublic] school principal [of the arrest and the charges within 24 hours of the arrest or as soon as practicable]; **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) The State’s Attorney shall promptly notify either the local superintendent or the [nonpublic] school principal 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 [a local superintendent or nonpublic school principal] **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 [nonpublic] 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 [nonpublic] 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 [or nonpublic school principal], **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; ~~and~~

(2) Transmitted only to [the school principal of the school in which the student is enrolled and other] 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.

[(g)] (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 ~~MIDDLE SCHOOL AND HIGH SCHOOL~~ SCHOOL THAT ENROLLS STUDENTS IN GRADES SIX THROUGH TWELVE IN THE STATE SHALL DESIGNATE AT LEAST ONE SCHOOL SECURITY OFFICER.

7-424.2.

(A) (1) IN THIS SECTION, "SCHOOL SECURITY OFFICER" ~~MEANS AN INDIVIDUAL DESIGNATED BY THE COUNTY SUPERINTENDENT OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A SCHOOL~~ 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.

(2) "SCHOOL SECURITY OFFICER" DOES NOT INCLUDE A TEACHER.

(B) BY ~~JANUARY 1, 2011~~ MARCH 31, 2011, THE STATE BOARD, AFTER CONSULTATION WITH AND INPUT FROM THE DEPARTMENT OF JUVENILE SERVICES, THE DEPARTMENT OF STATE POLICE, THE DEPARTMENT OF HUMAN RESOURCES, AND LOCAL SCHOOL SYSTEMS, SHALL DEVELOP A MODEL POLICY TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS.

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

- (1) A STATEMENT PROHIBITING GANG ACTIVITY IN SCHOOLS;**
- (2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION AGAINST INDIVIDUALS WHO REPORT SUSPECTED GANG ACTIVITY;**
- (3) A DEFINITION OF GANG AND GANG ACTIVITY;**
- (4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR INDIVIDUALS ENGAGED IN ~~GANG OR GANG-LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR;**
- (5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR INDIVIDUALS FOUND TO HAVE MADE FALSE ACCUSATIONS;**
- (6) MODEL PROCEDURES FOR REPORTING SUSPECTED ~~GANG OR GANG-LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR;**
- (7) MODEL PROCEDURES FOR THE PROMPT INVESTIGATION OF SUSPECTED ~~GANG OR GANG-LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR;**
- (8) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES, INCLUDING FAMILY SUPPORT SERVICES, FOR A STUDENT SUSPECTED OF PARTICIPATING IN GANG ACTIVITY; AND**

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

(D) (1) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL ESTABLISH A POLICY OR REGULATIONS TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS BASED ON THE MODEL POLICY.

(2) THE POLICY OR REGULATIONS SHALL ADDRESS THE COMPONENTS OF THE MODEL POLICY SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

(3) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL DEVELOP THE POLICY OR REGULATIONS IN CONSULTATION WITH REPRESENTATIVES OF THE FOLLOWING GROUPS:

(I) PARENTS OR GUARDIANS OF STUDENTS;

(II) SCHOOL EMPLOYEES AND ADMINISTRATORS;

(III) SCHOOL VOLUNTEERS;

(IV) STUDENTS;

(V) LOCAL LAW ENFORCEMENT;

(VI) GANG PREVENTION AND INTERVENTION PROGRAMS;

(VII) THE OFFICE OF THE PUBLIC DEFENDER;

~~(VII)~~ (VIII) THE MARYLAND STATE'S ATTORNEYS ASSOCIATION; AND

~~(VII)~~ (IX) MEMBERS OF THE COMMUNITY.

(E) EACH ~~COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL SUBMIT ITS POLICY OR REGULATIONS TO THE STATE SUPERINTENDENT BY SEPTEMBER 1, 2011.

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

(G) ~~EACH COUNTY BOARD~~ LOCAL SCHOOL SYSTEM SHALL DEVELOP THE FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS:

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

(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY OR REGULATIONS.

(H) (1) A SCHOOL EMPLOYEE SHALL REPORT ANY INCIDENCE OF SUSPECTED ~~GANG OR GANG LIKE ACTIVITY~~ GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR PROMPTLY TO THE PRINCIPAL AND, FOR A SCHOOL THAT HAS A SCHOOL SECURITY OFFICER, TO THE SCHOOL SECURITY OFFICER.

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

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

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

(I) SCHOOL PRINCIPALS;

(II) SCHOOL SECURITY OFFICERS;

(III) GUIDANCE COUNSELORS;

(IV) LOCAL LAW ENFORCEMENT OFFICERS;

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

(VI) REPRESENTATIVES FROM THE OFFICE OF THE PUBLIC DEFENDER;

~~(VI)~~ **(VII) GANG PREVENTION AND INTERVENTION PROGRAM REPRESENTATIVES; AND**

~~(VII)~~ **(VIII) ANY OTHER INDIVIDUALS THAT THE COUNTY SUPERINTENDENT CONSIDERS APPROPRIATE.**

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

(K) ON OR BEFORE JANUARY 1, 2011, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF STATE AND LOCAL POLICIES AND REGULATIONS TO ADDRESS GANGS, GANG ACTIVITY, AND ~~GANG-LIKE ACTIVITY~~ SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR DESCRIBED IN THIS SECTION.

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

SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education, shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, the Senate Education, Health, and Environmental Affairs Committee, the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Committee on Ways and Means regarding:

(1) the process for notifying school officials under § 3-819 and § 3-8A-19 of the Courts and Judicial Proceedings Article;

(2) how often school officials are actually notified under these statutes;
and

(3) recommendations, if any, to improve this process and better serve these students.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2010~~ July 1, 2010.

Approved by the Governor, May 4, 2010.