

School Use of Reportable Offenses

I. PURPOSE

The purpose of these regulations are to ensure that students who have committed a reportable offense as defined in the Educational Article, § 7 - 303, Annotated Code of Maryland receive appropriate educational programming and related services, and that the school maintains a safe and secure environment.

II. DEFINITIONS

- A. Appropriate Educational Programming - a regular or alternative education program that allows a student the opportunity to continue the student's education within the public school system and, if in secondary school, the opportunity to receive credit.
- B. Criminal gang - has the meaning stated in Criminal Law Article, §9-801, Annotated Code of Maryland.
- C. Law enforcement agency” means the law enforcement agencies listed in Public Safety Article, §3 - 101(e), Annotated Code of Maryland.
- D. Related services - any supportive intervention that is available through the local school system.
- E. Reportable offense - offenses that occur off school premises, not at an event sponsored by the school, and are serious criminal offenses. They are crimes of violence, as defined in Criminal Law Article, §14-101, Annotated Code of Maryland; Any of the offenses enumerated in Courts and Judicial Proceedings Article, §3-8A-03(d)(4), Annotated Code of Maryland; A violation of Criminal Law Article §4-101, 4-102, 4-203 or 4-204, Annotated Code of Maryland; A violation of Criminal Law Article, §5-602—5-609, 5-612—5-614, 5-617, 5-618, 5-627 or 5-628, Annotated Code of Maryland; A violation of Criminal Law Article, §4-503, 9-504 or 9-505, Annotated Code of Maryland; A violation of Criminal Law Article §6-102, 6-103, 6-104 or 6-105, Annotated Code of Maryland; A violation of Criminal Law Article §9-802 or 9-803, Annotated Code of Maryland; A violation of Criminal Law Article §3-203, Annotated Code of Maryland; A violation of Criminal Law Article §6-301, Annotated Code of Maryland; A violation of Criminal Law Article §9-302, 9-303 or 9-305, Annotated Code of Maryland; A violation of Criminal Law Article §7-105, Annotated Code of Maryland; or An offense related to membership in a criminal gang.
- F. School principal - the principal of the school in which a student is enrolled, or a designee of the principal, who is an administrator.

G. School security officer - an individual designated to maintain the security and safety of a school. School security officer includes: A school principal or other school administrator; a law enforcement officer; or other individual employed by a local school system or a local government who is designated by the Superintendent or a school principal to help maintain the security and safety of a school.

III. ADMINISTRATIVE PROCEDURES

A. Promptly, upon receipt of information from a law enforcement agency of an arrest of a student for a reportable offense, the Superintendent, or designee, shall provide the school principal of the school in which the student is enrolled with the arrest information, including the charges. If the student who has been arrested is an identified student with disabilities who has been enrolled by the public school system in a nonpublic school program, the Superintendent, or designee shall provide the principal of the nonpublic school with the arrest information, including the charges.

B. The school principal with appropriate staff members shall immediately develop a plan that addresses appropriate educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel. The school principal shall request that the student's parent or guardian:

1. Participate in the development of the plan; and
2. Submit information that is relevant to developing the plan.

C. The school shall invite the student's attorney, if the student has an attorney, to meetings regarding the removal of the student from the regular school program, including the manifestation determination review for students with disabilities;

D. If the plan results in a change to the student's educational program, the school principal shall promptly schedule a conference to inform the parent or guardian of the plan. The plan shall be implemented not later than 5 school days after receipt of the arrest information.

E. The school principal and appropriate staff shall review the plan and the student's status and make adjustments as appropriate:

1. Immediately upon notification from the State's Attorney of the disposition of the reportable offense; or
2. Pending notification from the State's Attorney, at a minimum on a quarterly basis.

F. The parent or guardian shall be informed of any adjustments to the plan.

IV. GENERAL PROVISIONS

A. Except by order of a juvenile court or other court upon good cause shown, the reportable offense information is confidential and may not be redisclosed by subpoena or otherwise and may not be made part of the student's permanent educational record.

B. If the disposition of the reportable offense was a conviction, an adjudication of delinquency, or the criminal charge or delinquency petition is still pending, the Superintendent or school principal may transmit the information obtained under this regulation as a confidential file to the local superintendent of another public school system or to another nonpublic school in the state in which the student has enrolled or has transferred, to carry out the purposes of this regulation.

C. The Superintendent or school principal who transmits information about a student under IV. B of this regulation shall include in the confidential transmittal information on any educational programming and related services provided to the student.

D. A fee may not be charged to the student or parent or guardian for the alternative educational programming or related services that are developed for the student.

E. Notice of the reportable offense charge alone may not be the basis for suspension or expulsion of the student. However, nothing in this regulation is intended to limit the manner in which a school obtains information or uses information obtained by any lawful means other than through notice of the arrest.

F. Appropriate educational programming and related services shall be provided to an identified student with disabilities in accordance with the Individuals with Disabilities Education Act and State special education law and regulations, including COMAR 13A.05.01.

G. The reportable offense information obtained by the Superintendent, designee, school principal or school security officer shall be:

1. Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in this regulation; and
2. Destroyed when the first of the following occurs:
 - a. The student graduates;
 - b. The student otherwise permanently leaves school;
 - c. The student turns 22 years old;
 - d. The criminal case involving the reportable offense is dismissed;
 - e. The student is found not guilty of the reportable offense; or
 - f. The student pleads to a lesser offense that is not a reportable offense.

H. Reportable offense involving rape or a sexual offense.

1. The Superintendent (or designee) 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.
3. Nothing in this regulation is intended to limit the manner in which TCPS obtains information or uses information obtained by any lawful means .

V. POLICY REVIEW AND REPORTING

- A. These regulations will be reviewed regularly, and necessary changes shall be made to comply with Maryland law.
- B. TCPS shall submit information to MSDE as required.