



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

- I. **PURPOSE:** To outline and define procedures to refer a pupil, parents, or other individuals to the appropriate Courts of Prince George's County.
- II. **POLICY:** These procedures are related the Maryland Annotated Code, Education Article §7-301, which states that every child who resides in Maryland and is 6 years old or older and under 16 must attend school regularly, and that parents or guardians may be held responsible for the attendance of the child. Further, in accordance with Maryland Annotated Code, 1974 edition as amended, Courts and Judicial Proceedings §3-801 – 3-834 (Juvenile Causes), pupils who are truant from school, have committed delinquent acts, are dependent or neglected may be brought to the attention of the Juvenile authorities. Criminal Acts committed by adults may be referred to the District Court Commissioner.
- III. **DEFINITIONS:**
- A. Juvenile Intake Conference: A conference held before the Intake Consultant in the Department of Juvenile Services or other personnel appointed by the Circuit Court.
- B. Family Court for Prince George's County: The Family Court is made up of the Juvenile Division, Domestic Relations Division, and any interfamily related matters under the jurisdiction of the Circuit Court for Prince George's County.
- C. Formal Hearing: A hearing held before the Master of Juvenile Causes, Judge of the District Court, or the Judge of the Circuit Court.
- D. Delinquent Acts: An act, which would be a crime if committed by an adult.
- E. Child in Need of Supervision: Is a child who requires guidance, treatment:
1. he/she is required by law to attend school and is habitually truant;
or
 2. he/she is habitually disobedient, ungovernable, and beyond the control of the person having custody of him/her; or
 3. he/she departs himself/herself so as to injure or endanger himself/herself or others; or
 4. he/she has committed an offense applicable only to children.



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

- F. District Court Commissioner: A judicial officer who determines probable cause in an adult criminal case and decides whether or not a warrant will be issued. The Commissioner further sets the date of the initial hearing and bond if applicable.
- G. Maryland Annotated Code: This is the reference to the Maryland Annotated Code, which is the codification of Maryland Statutory law.

IV. **PROCEDURES:**

- A. Acts of Truancy – Violation on Compulsory Attendance Law by Pupils
 - 1. In accordance with the Maryland Annotated Code, Education Article §7-301 (a) (Compulsory Attendance), “Each child who resides in this State and is 6 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.
 - 2. After school staffs have complied with Administrative Procedure 5113, Pupil Attendance and Absence, and the Pupil Personnel Worker determines that a pupil should be referred to court, the Pupil Personnel Worker notifies and/or discusses the status of the case with the Assistant Supervisor and files a referral (PS-64) to Juvenile Services through the Assistant Supervisor.
 - 3. The referral form (PS-64) (NCR paper – 4 copies) is typed in the Office of the Assistant Supervisor of Pupil Personnel with the Pupil Personnel Worker’s name typed and signed in the appropriate places. The original and 2 copies of the referral are forwarded to the Court Liaison. The Pupil Personnel Worker keeps a copy for the Pupil Personnel Limited Access Folder. The Court Liaison forwards the referral to the Intake Consultant in Juvenile Services. A designated secretary maintains a log of all referrals on the form provided.
 - 4. The Juvenile Services Intake Consultant sends a letter to the parent or guardian of the pupil involved advising them of the attendance laws and penalties for non-compliance. The parent or guardian is asked to contact the Pupil Personnel Worker immediately to help resolve the problem. A copy of the letter is forwarded to the Pupil



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

Personnel Worker and school principal. Through this contact the Pupil Personnel Worker should outline specifically what is expected of the pupil and parent or guardian in order to defer further court action.

5. Should the parent or guardian not contact the Pupil Personnel Worker and/or the pupil's attendance does not improve, the Pupil Personnel Worker contacts the Juvenile Services Intake Supervisor who in turn arranges an intake conference.

The Juvenile Services Intake Consultant will confer with the Pupil Personnel Worker prior to meeting with the pupil and parent or guardian. During the conference the Pupil Personnel Worker will summarize the case and should be prepared to answer factually any questions the Intake Consultant may have. The Pupil Personnel Worker must bring his/her case record (pupil's folder) to the conference. During this conference, the parent or guardian and pupil will discuss the situation with the Intake Consultant and the Pupil Personnel Worker. The Intake Consultant normally will advise and counsel the parent or guardian and pupil that the purpose of the conference is to resolve whatever problem(s) prompted the need for a conference thereby making formal court action unnecessary.

6. If further court action is necessary, the case may be referred to the Family Court, Juvenile Division. Procedures for referral to the Family Court, Juvenile Division are as follows:
 - a. If the Intake Consultant determines the case should go to Juvenile Court, which is the Circuit Court for Prince George's County sitting as a Juvenile Court, a petition against the pupil is prepared at Juvenile Services, which the Pupil Personnel Worker signs. The petition is authorized by the Intake Consultant and forwarded to the Juvenile Court where a date for a formal hearing will be set.
 - b. When the data is set for the formal hearing, court summons will be issued for the parent or guardian, pupil, Pupil Personnel Worker, and any witnesses listed on the petition. Hearings usually are held in the order as listed below:
 - (1) Arraignment Hearing: At the first hearing the pupil and parent or guardian are advised of the charge(s)



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

as stated on the petition and of their rights under the law (right to counsel, etc.) IT IS NECESSARY FOR THE PUPIL PERSONNEL WORKER TO ATTEND THIS HEARING.

(2) Adjudication Hearing: At the second formal hearing the pupil is adjudicated to determine the truth of the allegation. THE PUPIL PERSONNEL WORKER MUST BE PRESENT AT THIS HEARING AND UPON REQUEST WILL PROVIDE THE MASTER OR JUDGE WITH ANY INFORMATION NEEDED.

(3) Disposition Hearing: Often the disposition hearing is combined with the adjudication hearing. However, the disposition hearing may be postponed by the Master or Judge who may want additional investigatory work to be done prior to making a disposition. THE PUPIL PERSONNEL WORKER'S ATTENDANCE AT A DISPOSITION HEARING NORMALLY IS NOT NECESSARY UNLESS THE MASTER OR JUDGE SPECIFICALLY REQUEST HIS/HER ATTENDANCE. Such may be the case if the Master or Judge has requested additional information from the Pupil Personnel Worker during the adjudication hearing. The Pupil Personnel Worker may contact the Court Liaison when he/she questions whether he/she is expected to appear at a disposition hearing. The Pupil Personnel Worker should request information about the outcome of the disposition hearing from the Court Liaison if the Pupil Personnel Worker is not present at this hearing. The Pupil Personnel Worker shall record all pertinent matters related to actions in the Pupil Personnel Limited Access Folder.

c. If the Court issues an order requiring a pupil to attend school, the Pupil Personnel Worker shall notify the Court Liaison if said pupil fails to comply.

B. Act of Truancy – Violation of Compulsory Attendance Law by Person in Control of Pupil



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

1. In accordance with the Maryland Annotated Code, Education Article §7-301 (c) (Compulsory Attendance), "Each person who has under his control a child who is 6 years old or older and under 16 shall see that the child attends school or receives instruction as required by this section."
 2. After school staffs have complied with Administrative Procedure 5113, Pupil Attendance and Absence, and the Pupil Personnel Worker, after discussing the case with the Assistant Supervisor, has reasonable grounds to believe that a person in control of a pupil has violated the above quoted provision, a conference should be arranged with the Court Liaison.
 3. Upon authorization of a warrant by the Court Liaison, a warrant for the parent or guardian should be obtained by the Pupil Personnel Worker from the District Court Commissioner in the Prince George's County Courthouse.
 4. A date is set at the time for an arraignment hearing before the District Court. A date for the merits hearing is set at the arraignment hearing.
 5. All witnesses and defendants appear at the merits hearing to testify regarding the alleged violation. The Office of the State's Attorney represents the Prince George's County Public Schools at this hearing.
 6. The Pupil Personnel Worker shall record all pertinent matters related to actions taken in the Pupil Personnel Limited Access Folder.
 7. If the Court issues an order requiring responses of a pupil or parent or guardian, the Pupil Personnel Worker shall notify the Court Liaison if said pupil or parent or guardian fails to comply.
- C. Delinquent Acts by Pupils on School Property
1. When a delinquent act by a pupil occurs on school property,) e.g., assault, theft, fight, etc.), the injured party or victim should be advised that he/she may file a complaint with the appropriate law enforcement agency or directly with the Intake Division of the Department of Juvenile Services. Victimless acts such as



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

destruction of property and drug related incidents may require a complaint to be filed by school personnel. When school personnel do file a complaint, a school security incident report (Form#10) shall also be prepared.

2. In the event of a complaint or petition filed against a juvenile by Prince George's County Public Schools personnel, the Intake Division of the Department of Juvenile Services is, by law, required to screen the complaint. This screening process is accomplished through an Intake Hearing held by a Juvenile Counselor who is a member of the Intake Division of the Department of Juvenile Services. These hearings are informal and are, by law, completely confidential.

The Department of Juvenile Services will transmit all intake notifications to the Court Liaison on all matters involving an offense committed on public school property.

If the matter involves neither vandalism nor theft, the Court Liaison will merely notify the school principal of the time and place of the Intake Hearing so that arrangements may be made to insure the attendance of Prince George's County Public Schools personnel at the hearing.

If, however, the matter involves vandalism or theft, the Court Liaison will immediately advise a designee of the Department of Business and Facilities who will provide the Court Liaison with an estimate of the value of the property stolen or damages incurred, prior to the date of the intake hearing. The Court Liaison will either personally appear at all intake hearings on matters involving theft or vandalism to public school property or, alternatively, be noted as the Board of Education's representative and provide an estimate of the value of the property stolen or damages incurred to the intake officer.

Following the hearing, the complainant will be informed by letter of the disposition of the matter by the Juvenile Counselor. The decision of the Juvenile Counselor may, at this time, be appealed in writing to the State's Attorney of Prince George's County within fifteen (15) days in the case of delinquency cases and to the Regional Director of Juvenile Services in non-delinquency matters. A copy of the disposition letter will be forwarded to the Court Liaison. The Court Liaison will then be available to properly



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

advise the complainant who may be dissatisfied with the decision of the Intake Counselor. If an appeal is desired, contact should first be made with the office of the Attorney to the Board.

3. If the case is referred to Court by the Intake Counselor, a hearing will be set by the Court and all parties to the action will be summoned to appear. The State's Attorney represents the Prince George's County Public Schools personnel.

D. Criminal Acts by Adults – District Court

Prince George's County Public Schools personnel may, after notification is first made with the Office of the Attorney to the Board, charge adults who have committed criminal acts by contacting the appropriate law enforcement agency or appearing before the District Court Commissioner to apply for a warrant. The District Court Commissioner will determine probable cause, set a date for the initial hearing and set bond if applicable.

E. Court Referrals Concerning Special Education Placement

1. The Juvenile Division of the Family Court of Prince George's County has instituted a procedure whereby the staff of the Prince George's County Public Schools is requested to investigate certain pupils to ascertain whether or not the pupil is in need of special education placement and report findings to the Court with 60 days. The Court Liaison will advise the Office of the Attorney to the Board of Education of all evaluation requests made by the Court.
2. The Office of the Attorney to the Board of Education will advise the Administrative Assistant for Special Education of the pupil to be reviewed.
3. The Administrative Assistant for Special Education contacts the Court Liaison and obtains available Court records.
4. The Administrative Assistant for Special Education consults with the Area Pupil Personnel Assistant Supervisor and appropriate school personnel and obtains available school records and information.
5. All available school and Court records and information are reviewed.



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

- a. If necessary, additional testing is arranged for and completed.
 - b. Appropriate staff members are consulted for a placement recommendation.
6. During the review process, weekly or bi-weekly status reports are filed with the Office of the Attorney to the Board of Education by the Administrative Assistant for Special Education.
 7. As soon as a recommendation is finalized, but not later than 60 days, a final status report is presented to the Office of the Attorney to the Board of Education who then files the report with the Court.
- F. Referrals to Court When Trespass Occurs
- The decision of the Court of Appeals of Maryland IN RE-APPEAL NO. 631 (77) FROM THE DISTRICT COURT OF MARYLAND, MONTGOMERY COUNTY, JUVENILE DIVISION; No. 122, September Term, 1977, March 28, 1978, held that when a trespasser is found upon your school premises, the warning to leave same must be issued by the principal, or a person designated in writing by the principal, if a warrant for trespassing is to be issued immediately thereafter should the trespasser refuse to leave.
- G. Notification to the Attorney to the Board of Education Involving Non-subpoena Situations
1. There may arise a variety of school-related situations, which will require notification to the Office of the Attorney to the Board of Education so that the Attorney and/or his staff will be in a position to aid school system employees in protecting the rights of the Prince George's County Public Schools protecting the rights of the Prince George's County Public Schools system, its students and its Board of Education.
 2. Situations requiring notification to the Office of the Attorney to the Board of Education:
 - a. An assault involving a teacher or another employee.
 - b. A serious personal injury case, which could result in permanent damage.



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

- c. An arrest of an employee.
- d. A contact by an attorney/attorney's staff member, not associated with the Attorney to the Board of Education, who is requesting information about the operation of the school, an employee of the Board of Education, or school data/records not relating to an individual student.

In each of the above circumstances, 2, a, b, c, d:

- (1) Inform (initially by phone) the Office of the Attorney to the Board of Education.
 - (2) Respond as directed by the Office of the Attorney to the Board of Education.
- e. A request by an attorney/attorney's staff member designated by the custodial parent (or eligible student), but not associated with the Attorney to the Board of Education, TO DISCUSS a child, child's progress, adjustment, or records/information therein.

Do not respond immediately to this type of request. Instead:

- (1) Secure the written, informed consent of the custodial parent (or eligible student) specifying exactly what information, what purpose and with which attorneys/attorney's staff member said information may be discussed.
 - (2) Inform (initially by phone) the Office of the Attorney to the Board of Education.
 - (3) Respond only as directed by the Office of the Attorney to the Board of Education.
- 3. Situations not requiring notification to the Office of the Attorney to the Board of Education.
 - a. A request by an attorney/attorney's staff member designated by the custodial parent (or eligible student), but not



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

associated with the Attorney to the Board of Education, to receive copies of a custodial parent's child's student records.

- (1) Do not notify by phone or in writing the Office of the Attorney to the Board of Education.
- (2) Do not comply with the request absent the written informed consent of the parent specifying exactly what records, what purpose, and which attorney/attorney's staff member is to receive said record copies.
- (3) Provide by mail copies of records specified in the custodial parent written, informed consent. (See Chapter 11 of the 1980 Student Guidelines for further information.)

b. A request by an attorney/attorney's staff member designated by the non-custodial parent, but not associated with the Attorney to the Board of Education, to receive copies of a child's records, or to discuss the child, child's progress adjustment or records/information.

- (1) Do not notify by phone or in writing the Office of the Attorney to the Board of Education.
- (2) Do not comply with the request. (See Chapter 11 of 1980 Student Record Guidelines for further information.)

H. Compliance with Subpoenas

1. A subpoena may be served by a uniformed or non-uniformed "process server" either directly upon an individual named in the subpoena or indirectly through a school/school system representative (such as a school/school system secretary, Court Liaison, Coordinator of Student Records, Principal, Counselor, etc.) with subsequent transmittal of the content of the subpoena to the person named in the subpoena either by phone notification or by sending the subpoena or copy thereof.
2. **THE OFFICE OF THE ATTORNEY TO THE BOARD OF EDUCATION SHOULD NOT BE CONTACTED BY SCHOOL SYSTEM EMPLOYEES UPON THE RECEIPT/NOTIFICATION OF A SUBPOENA.**



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

3. A lawfully issued subpoena to appear in Court, at Civil Proceedings, before a Grand Jury, Deposition or Administrative Hearings conducted by other school system officials, served as described in number 1 above, must be accepted and complied with as follows.
 - a. Student Records (or Information Therein) Subpoenas
 - (1) This type of subpoena contains either the Latin words, “In Duces Tecum” or “Duces Tecum” or English words stating the requirement to bring current or former student’s records (cumulative, achievement, attendance records, all student records, certain information from student records, etc.).
 - (2) PRIOR to actual compliance, notify the parent/guardian or eligible student by mailing a Notification of Receipt and Compliance, PS-70 to the last known address. If the PS 70 will not be received by the above prior to the time of compliance, additional notification must be made by phone.
 - (3) COMPLY when and as directed in the subpoena.
 - (4) The principal may designate a responsible, appropriate school employee to accompany the subpoenaed records if the subpoena is directed to the principal as a local school Custodian of Records. The principal or his designee must accompany the records.
 - (5) Original records must be brought to Court, BUT
 - (6) Original records may not be left with the Court or an attorney, except the Attorney to the Board of Education of Prince George’s County Public Schools.
 - (7) Copies of student records may be provided to the Court or other attorneys involved if entered into evidence or subpoenaed.



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

- (8) Original records should at no time be removed from the Prince George's County Public Schools system employee's control/supervision.
 - (9) The contents of the records may not be shared with anyone other than the party subpoenaing the records except as directed by the Court.
 - (10) Student records are presented as materials maintained as a normal, required business function of the Prince George's County Public Schools, not as subjects for conjecture and interpretation by the subpoenaed individual.
 - (11) Return records to source, noting dissemination and return in Logs of Review.
- b. Witness Subpoenas
- (1) This type of subpoena does not contain either the Latin words "In Duces Tecum" or "Duces Tecum" or English words stating a requirement to bring a current or former student's school records or information therein.
 - (2) PRIOR to actual compliance, notify the parent/guardian or eligible student by mailing a Notification of Receipt and Compliance, PS 70 to the last known address. If the PS 70 will not be received by the above prior to the time of compliance, additional notification must be made by phone.
 - (3) COMPLY when and as directed in the subpoena. Under no circumstances are any student records to be brought to the hearing to which the Board employee is subpoenaed.
- c. In the event of subpoenas are received requiring two (2) or more individuals from the Prince George's County Public Schools to appear in compliance therewith, notify the Coordinator of Student Transfers and Records prior to compliance therewith.



ADMINISTRATIVE PROCEDURE

COURT PROCEEDINGS

10301

Procedure No.

9/10/80

Date

- V. **RELATED PROCEDURES:** Administrative Procedure 5113, Student Attendance and Absence; Guidelines for the Collection, Maintenance, and Dissemination of Student Records.
- VI. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** The Office of Pupil Personnel is responsible for the maintenance and updating of these procedures.
- VII. **CANCELLATIONS AND SUPERSEDURES:** This Administrative Procedure cancels and supersedes Administrative Procedure 10301, dated June 19, 1979.
- VIII. **EFFECTIVE DATE:** September 10, 1980.

Approved by:
Edward J. Feeney
Superintendent of Schools

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, 11, 12, and 13