

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
Revised

House Bill 383

(Delegates Luedtke and Patterson)

Ways and Means

Education, Health, and Environmental Affairs

**Education - Sexual Abuse and Assault Awareness and Prevention Program -
Development and Implementation**

This bill requires the State Board of Education and specified nonpublic schools in the State to develop and implement a program of age-appropriate education on sexual abuse and assault awareness and prevention. The program must be taught by teachers who are trained to provide instruction on sexual abuse and assault awareness and prevention and incorporated into the health curriculum of local boards of education and nonpublic schools. The State Board of Education must adopt regulations to carry out the bill.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can convene meetings of State health education specialists and teachers to develop and review curriculum resources to be used for an age-appropriate sexual abuse and assault awareness and prevention program using existing resources.

Local Effect: Local school system expenditures increase minimally to implement an age-appropriate sexual abuse and assault awareness and prevention program, incorporate it into the local health curriculum, and train teachers to deliver the program. However, the costs depend on the program developed by MSDE and the State Board of Education.

Small Business Effect: None.

Analysis

Bill Summary: “Nonpublic school” is specified to mean a noncollegiate educational institution that holds a certificate of approval from the State Board of Education and participates in State-funded education programs.

Current Law: The State Board of Education must issue a certificate of approval to a noncollegiate educational institution if it finds that the facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate for (1) the purposes of the institution; (2) the programs, training, and courses to be taught by the institution; and (3) the certificates and diplomas to be issued by it. The State Board of Education may not issue a certificate of approval to an institution that practices discrimination based on race, color, or national origin.

This does not apply to an institution operated by a bona fide church organization, including the Amish and Mennonite church parochial schools. Except for eligible students in the food service program who are enrolled in nursery school through grade 8, an institution that does not have a certificate of approval from the State Board of Education may not receive State funds.

In general, an educator acting in a professional capacity must immediately notify and give all information required to the local department of social services or the appropriate law enforcement agency if the educator has reason to believe that a child has been subject to abuse or neglect.

Each local school system must (1) provide in public schools a comprehensive health education program with sufficient frequency and duration to meet the requirements of the State curriculum for all students in prekindergarten through grade 8 and (2) offer in public schools a comprehensive health education program in grades 9 through 12 which enables students to meet graduation requirements and to select health education electives. Access to the curriculum must be provided for non-diploma-bound students.

Background: The prevalence of child sexual abuse is difficult to determine because it is under reported and not uniformly defined. According to the U.S. Department of Health and Human Services, 9.2% of victimized children were sexually assaulted. Studies by the Crimes Against Children Research Center found that:

- 1 in 5 girls and 1 in 20 boys is a victim of sexual abuse;
- during a one-year period in the United States, 16% of youth between the ages of 14 and 17 had been sexually victimized;

- over the course of their lifetime, 28% of youth in the United States between the ages of 14 and 17 had been sexually victimized; and
- children are most vulnerable to child sexual abuse between the ages of 7 and 13.

According to a 2003 National Institute of Justice report, 3 out of 4 adolescents who have been sexually assaulted were victimized by someone they knew well.

A child who is the victim of prolonged sexual abuse usually develops low self-esteem, a feeling of worthlessness, and an abnormal or distorted view of sex. The child may become withdrawn and mistrustful of adults, and can become suicidal.

As of September 2014, 18 states had passed legislation (some known as Erin's law) requiring age-appropriate sexual abuse and sexual assault awareness and prevention education in prekindergarten through grade 12 along with training school staff on the prevention of sexual abuse. Vermont has similar requirements for sexual abuse and sexual assault awareness for every school. An additional 18 states have introduced school-based sexual abuse and sexual assault awareness legislation in 2014 and 2015.

During the 2012-2013 school year, the most recent year for which data is available, a total of 133,190 students attended 1,420 nonpublic schools. "State-funded education program" for nonpublic schools is not defined in the bill or State law. The Governor's proposed fiscal 2016 budget includes \$120.9 million in general funds for nonpublic special education programs for students with disabilities and \$6.0 million in aid to qualifying nonpublic schools from the Cigarette Restitution Fund for secular textbooks, computer hardware, and computer software. During the 2013-2014 school year, approximately 82,010 students were enrolled in 367 nonpublic schools participating in the aid to nonpublic schools for secular educational materials.

Local Expenditures: Local school system expenditures increase minimally to implement age-appropriate sexual abuse and assault awareness and prevention programs, incorporate it into the local health curriculum, and train teachers to deliver the program. The cost to implement the program depends on the details of the program developed by the State Board of Education and MSDE. For the purposes of this estimate, it is assumed that teachers are trained during the course of regular professional development or through online training, that no specialized materials are required for students, and that the program is added to the existing health curriculum. In that case, local school system expenditures increase minimally.

However, if the program developed by the State Board of Education and MSDE requires extensive teacher training during regular school days or specialized student materials, local school system expenditures increase significantly to pay substitute teachers and purchase

materials. Without additional information about the program to be developed by the State Board of Education and MSDE, a more accurate cost cannot be estimated.

Additional Comments: Specified nonpublic school expenditures increase minimally to develop and implement a program of age-appropriate education on sexual abuse and assault awareness and prevention, and to train teachers to deliver the program. A cost estimate cannot be reliably determined; however, it is assumed that the costs to develop and implement a program that meets the requirements of the bill are minimal.

MSDE advises it is unclear what constitutes a State-funded educational program; thus, it is unclear which nonpublic schools will need to comply with the bill.

Additional Information

Prior Introductions: None.

Cross File: SB 489 (Senator King, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education, U.S. Department of Health and Human Services, National Center for Victims of Crime, Crimes Against Children Research Center, National Institute of Justice, www.erinmerryn.net/erin's-law, Department of Legislative Services

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