

HOUSE BILL 1072

F1

8lr2170

By: Delegates Wilson, Angel, Impallaria, McComas, McDonough, Metzgar, Morgan, Rosenberg, Saab, and ~~K. Young~~ K. Young, Kaiser, Turner, Ali, D. Barnes, Buckel, Hornberger, C. Howard, Long, Luedtke, Mosby, Patterson, Rose, Shoemaker, Simonaire, Tarlau, Walker, M. Washington, and Wilkins

Introduced and read first time: February 7, 2018

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Education – Child Sexual Abuse Prevention – Instruction and Training**

3 FOR the purpose of requiring a county board of education or certain nonpublic school to
4 require each employee, ~~student, and volunteer of a public school or a public school~~
5 ~~program~~ to receive annual instruction and training on the prevention, identification,
6 and reporting of certain child sexual abuse; providing for the requirements of the
7 instruction and training; ~~providing that an employee may receive a certain credit for~~
8 ~~undergoing certain instruction and training; providing that the training may use~~
9 ~~certain materials and~~ authorizing the instruction and training to include certain
10 instruction; types of instruction and training; requiring certain instruction and
11 training to be periodically reviewed and updated; requiring a county board to
12 establish and implement certain policies and develop certain employee codes of
13 conduct; requiring the Governor to include a certain appropriation in the annual
14 budget bill for certain fiscal years; requiring each school, program, and organization
15 to maintain certain records; requiring the Interagency Committee on School
16 Construction and the State Council on Child Abuse and Neglect to jointly develop
17 certain guidelines and best practices on or before a certain date; requiring a county
18 board to establish certain policies and procedures beginning in a certain school year;
19 requiring a county board of education to make certain information available to
20 certain persons; defining ~~a certain term~~ certain terms; and generally relating to child
21 sexual abuse prevention.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
 2 Article – Education
 3 Section 6–113
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2017 Supplement)

6 BY adding to
 7 Article – Education
 8 Section 6–113.1
 9 Annotated Code of Maryland
 10 (2014 Replacement Volume and 2017 Supplement)

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

13 **Article – Education**

14 6–113.

15 (a) A county board may not knowingly hire or retain any individual who has been
 16 convicted of a crime involving:

17 (1) An offense under § 3–307 or § 3–308 of the Criminal Law Article or an
 18 offense under the laws of another state that would constitute a violation of § 3–307 or §
 19 3–308 of the Criminal Law Article if committed in the State;

20 (2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an
 21 offense under the laws of another state that would constitute child sexual abuse under §
 22 3–602 of the Criminal Law Article if committed in this State; or

23 (3) A crime of violence as defined in § 14–101 of the Criminal Law Article,
 24 or an offense under the laws of another state that would be a violation of § 14–101 of the
 25 Criminal Law Article if committed in this State.

26 (b) A local school system contract shall provide that a contractor or subcontractor
 27 for the local school system may not knowingly assign an employee to work on school
 28 premises with direct, unsupervised, and uncontrolled access to children, if the employee
 29 has been convicted of a crime identified under subsection (a) of this section.

30 **6–113.1.**

31 (A) **(1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS**
 32 **INDICATED.**

33 **(2) “~~CHILD~~ CHILD SEXUAL ABUSE” MEANS AN ACT BY AN ADULT**
 34 **INVOLVING A MINOR OR A STUDENT THAT CONSTITUTES A SEXUAL OFFENSE UNDER**

1 THE LAWS OF THE STATE, OR ANY SEXUAL CONTACT BETWEEN AN ADULT AND A
2 MINOR.

3 **(3) "SEXUAL MISCONDUCT" MEANS AN ACT BY AN ADULT, INCLUDING**
4 **AN ORAL, NONVERBAL, WRITTEN, OR ELECTRONIC COMMUNICATION, OR A**
5 **PHYSICAL ACTIVITY DIRECTED TOWARD OR WITH A MINOR THAT IS DESIGNED TO**
6 **PROMOTE A ROMANTIC OR SEXUAL RELATIONSHIP WITH THE MINOR, INCLUDING:**

7 **(I) SEXUAL OR ROMANTIC INVITATION;**

8 **(II) DATING OR SOLICITING DATES;**

9 **(III) ENGAGING IN SEXUALIZED OR ROMANTIC DIALOGUE;**

10 **(IV) MAKING SEXUALLY SUGGESTIVE COMMENTS;**

11 **(V) GROOMING BEHAVIORS;**

12 **(VI) SELF-DISCLOSURE OR PHYSICAL EXPOSURE OF A SEXUAL,**
13 **ROMANTIC, OR EROTIC NATURE; AND**

14 **(VII) A SEXUAL, INDECENT, ROMANTIC, OR EROTIC CONTACT**
15 **WITH THE MINOR.**

16 **(B) (1) A COUNTY BOARD OR NONPUBLIC SCHOOL THAT RECEIVES STATE**
17 **FUNDS SHALL REQUIRE EACH EMPLOYEE, ~~STUDENT, AND VOLUNTEER OF A PUBLIC~~**
18 **~~SCHOOL OR A PUBLIC SCHOOL PROGRAM~~ TO RECEIVE INSTRUCTION ANNUALLY ON**
19 **THE PREVENTION, IDENTIFICATION, AND REPORTING OF CHILD SEXUAL ABUSE.**

20 **(2) THE INSTRUCTION DESCRIBED IN PARAGRAPH (1) OF THIS**
21 **SUBSECTION SHALL INCLUDE COMPREHENSIVE TRAINING AND INFORMATION TO**
22 **HELP EMPLOYEES, ~~STUDENTS, AND VOLUNTEERS~~ TO:**

23 **(I) RECOGNIZE ~~SEXUALLY OFFENDING BEHAVIORS~~ SEXUAL**
24 **MISCONDUCT IN ADULTS, ~~AND SIGNS IN ADULTS THAT COULD INDICATE THE ADULT~~**
25 **~~POSES A SEXUAL RISK TO MINORS;~~**

26 **(II) RECOGNIZE, AND APPROPRIATELY RESPOND TO, ~~AND~~**
27 **~~PREVENT~~ SEXUALLY INAPPROPRIATE, COERCIVE, OR ABUSIVE BEHAVIORS AMONG**
28 **MINORS;**

29 **(III) RECOGNIZE BEHAVIORS AND VERBAL CUES THAT COULD**
30 **INDICATE A MINOR HAS BEEN A VICTIM OF CHILD SEXUAL ABUSE; AND**

~~(IV) SUPPORT THE HEALTHY DEVELOPMENT OF MINORS AND THE BUILDING OF PROTECTIVE FACTORS TO GUARD AGAINST MINORS ENGAGING IN HARMFUL OR ILLEGAL SEXUAL BEHAVIOR AND TO GUARD AGAINST THE SEXUAL VICTIMIZATION OF MINORS BY ADULTS OR BY OTHER MINORS;~~

~~(V) ESTABLISH AND IMPLEMENT POLICIES THAT SUPPORT THE PREVENTION OF CHILD SEXUAL ABUSE THROUGH ONGOING TRAINING OF STAFF REGARDING:~~

~~1. ADULT PERPETRATION AND MINOR ON MINOR SEXUAL ABUSE;~~

~~2. COMPREHENSIVE SCREENING OF PROSPECTIVE EMPLOYEES AND VOLUNTEERS;~~

~~3. THE DEVELOPMENT OF CODES OF CONDUCT TO IDENTIFY INAPPROPRIATE OR BOUNDARY VIOLATING BEHAVIORS THAT, IF LEFT UNCHECKED, COULD ESCALATE TO REPORTABLE SEXUAL OFFENSES; AND~~

~~4. THE ASSESSMENT AND MODIFICATION OF PHYSICAL FACILITIES AND SPACES TO REDUCE OPPORTUNITIES FOR CHILD SEXUAL ABUSE;~~

~~(VI) RESPOND TO DISCLOSURES BY MINORS OR THEIR PARENTS OR GUARDIANS OF CHILD SEXUAL ABUSE OR REPORTS OF BOUNDARY-VIOLATING BEHAVIORS OF ADULTS OR MINORS IN A SUPPORTIVE AND APPROPRIATE MANNER THAT MEETS MANDATED REPORTING REQUIREMENTS UNDER STATE LAW; AND.~~

~~(VII) SEEK OUT AVAILABLE COMMUNITY RESOURCES TO ASSIST IN THE PREVENTION, IDENTIFICATION, REPORTING, AND REFERRAL TO TREATMENT OF CASES INVOLVING CHILD SEXUAL ABUSE OR THE EXPLOITATION OF MINORS.~~

(C) (1) EACH COUNTY BOARD SHALL ESTABLISH AND IMPLEMENT POLICIES THAT SUPPORT THE PREVENTION OF CHILD SEXUAL ABUSE THROUGH ONGOING TRAINING OF STAFF REGARDING:

(I) BEHAVIOR THAT CONSTITUTES ADULT PERPETRATION;

(II) REPORTING OBLIGATIONS AND PROCEDURES; AND

(III) FOR STAFF INVOLVED IN THE HIRING PROCESS, COMPREHENSIVE SCREENING OF PROSPECTIVE EMPLOYEES.

(2) THE COUNTY BOARD SHALL DEVELOP EMPLOYEE CODES OF CONDUCT THAT ADDRESS APPROPRIATE CONTACT BETWEEN STAFF AND STUDENTS.

1 ~~(C)~~ (D) (1) EACH EMPLOYEE, ~~STUDENT, AND VOLUNTEER~~ SHALL
2 COMPLETE THE INSTRUCTION AND TRAINING DESCRIBED IN SUBSECTION (B) OF
3 THIS SECTION ON AN ANNUAL BASIS.

4 ~~(2) AN EMPLOYEE REQUIRED TO UNDERGO CONTINUING~~
5 ~~PROFESSIONAL EDUCATION SHALL RECEIVE CREDIT TOWARD CONTINUING~~
6 ~~PROFESSIONAL EDUCATION REQUIREMENTS IF THE INSTRUCTION AND TRAINING~~
7 ~~PROGRAM HAS BEEN APPROVED BY THE DEPARTMENT.~~

8 ~~(D) (1) THE INSTRUCTION AND TRAINING DESCRIBED IN SUBSECTION (B)~~
9 ~~OF THIS SECTION SHALL USE TESTED, RESEARCH-BASED INSTRUCTIONAL~~
10 ~~MATERIALS THAT HAVE BEEN DEMONSTRATED TO INCREASE THE PREVENTION~~
11 ~~KNOWLEDGE AND SKILLS OF THOSE TRAINED AND MAY USE NOVEL OR AS YET~~
12 ~~UNTESTED INSTRUCTIONAL MATERIALS IN THE CONTEXT OF AN EMPIRICALLY~~
13 ~~RIGOROUS EVALUATION STUDY DESIGNED TO ASSESS THE RELIABILITY AND~~
14 ~~VALIDITY OF THE UNTESTED MATERIALS.~~

15 (2) THE INSTRUCTION AND TRAINING UNDER THIS SECTION ~~MAY:~~

16 (I) MAY INCLUDE IN-PERSON OR E-LEARNING INSTRUCTION
17 AND TRAINING; AND

18 (II) SHALL BE PERIODICALLY REVIEWED AND UPDATED.

19 ~~(E) FOR FISCAL YEARS 2019 THROUGH 2024, THE GOVERNOR SHALL~~
20 ~~INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$500,000~~
21 ~~TO THE DEPARTMENT TO SUPPORT THE DEVELOPMENT, EVALUATION, AND~~
22 ~~IMPLEMENTATION OF THE INSTRUCTION AND TRAINING DESCRIBED IN THIS~~
23 ~~SECTION.~~

24 ~~(F) EACH SCHOOL, PROGRAM, AND ORGANIZATION SHALL MAINTAIN, UNTIL~~
25 ~~AT LEAST 3 YEARS AFTER THE INSTRUCTION AND TRAINING, RECORDS THAT~~
26 ~~INCLUDE THE NAMES OF THE INDIVIDUALS WITHIN THE SCHOOL, PROGRAM, OR~~
27 ~~ORGANIZATION WHO PARTICIPATED IN THE INSTRUCTION AND TRAINING.~~

28 (E) (1) ON OR BEFORE DECEMBER 1, 2018, THE INTERAGENCY
29 COMMITTEE ON SCHOOL CONSTRUCTION AND THE STATE COUNCIL ON CHILD
30 ABUSE AND NEGLECT JOINTLY SHALL DEVELOP GUIDELINES AND BEST PRACTICES
31 FOR THE ASSESSMENT AND MODIFICATION OF PHYSICAL FACILITIES AND SPACES TO
32 REDUCE OPPORTUNITIES FOR CHILD SEXUAL ABUSE.

33 (2) BEGINNING IN THE 2019-2020 SCHOOL YEAR, EACH COUNTY
34 BOARD SHALL DEVELOP POLICIES AND PROCEDURES ON THE USE AND

1 MODIFICATION OF PHYSICAL FACILITIES AND SPACES TO REDUCE OPPORTUNITIES
2 FOR CHILD SEXUAL ABUSE.

3 ~~(G)~~ (F) EACH COUNTY BOARD SHALL MAKE INFORMATION ABOUT THE
4 ~~EDUCATION AND~~ TRAINING OPPORTUNITIES DESCRIBED IN THIS SECTION
5 AVAILABLE TO PARENTS, LEGAL GUARDIANS, AND OTHER INTERESTED PERSONS IN
6 THE COMMUNITY.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 ~~October~~ July 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.