

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1356
Ways and Means

(Delegate Grammer)

Public Schools - Reporting of Sexual Misconduct, Stalking, and Harassment
(Report Act of 2022)

This bill requires a school administration (*i.e.*, a principal of a public school or designee) to file an administrative incident report with the local board if sexual misconduct, stalking, or harassment is reported to the school administration. The report must include specified information about the incident, including the time, date, location, and description of the incident and the identities, and statements of witnesses. The school administration must provide a copy of the incident report to the victim and, if the victim is a student, the victim's parents. Each local board must adopt (1) regulations to implement the bill and (2) a policy that specifies penalties, including termination of employment. The bill also establishes reporting requirements for local boards of education and the Maryland State Department of Education (MSDE). **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: MSDE can handle the reporting requirement with existing resources. Revenues are not affected.

Local Effect: Local school systems can likely implement the bill, including collecting and submitting the required data, with existing budgeted resources, but doing so may detract from other school safety-related functions in some school systems. The bill requires school principals to determine if reported incidents meet the legal standards for sexual misconduct, stalking, or harassment. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: “Harassment” means following a person in or about a public place or maliciously engaging in a course of conduct that alarms or seriously annoys another person, as specified. “Sexual misconduct” and “stalking” are as defined in the Criminal Law article.

Within 30 days after the final day of the school year, each local board must report the total number of reports filed to MSDE. Within 60 days after the final day of the school year, MSDE must report to the General Assembly the total number of reports filed pursuant to the bill.

Current Law: When a student is arrested for a reportable offense or an offense related to the student’s membership in a criminal organization, the law enforcement agency making the arrest *must* notify (1) the local superintendent; (2) the school principal; and (3) if appropriate, the school security officer. The law enforcement agency *may* also notify the State’s Attorney.

A “reportable offense” includes a crime of violence, as specified in current law, and numerous other specified weapons-, drug-, assault-, and theft-related offenses.

Except by order of a juvenile court with good cause shown, information about a student’s arrest is confidential and may not be redisclosed, except as specified, and may not be part of the student’s permanent educational record. A superintendent may share the information as part of a confidential file with another superintendent or a nonpublic school in the State in which the student has enrolled. The information shared must include information regarding any educational programming and related services provided to the student. The State Board of Education is required to adopt regulations to ensure that information obtained by local superintendents, principals, or school security officers is used only for specified educational purposes and is destroyed when the student graduates, otherwise permanently leaves school, or turns 22 years old, whichever comes first.

Additional Information

Prior Introductions: HB 846 of 2020 and HB 1175 of 2019, both similar bills, each had a hearing in the House Ways and Means Committee, but no further action was taken on either bill.

Designated Cross File: None.

Information Source(s): Maryland Center for School Safety; Baltimore City Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Talbot County Public Schools; Department of Legislative Services

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km/clb

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