

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 72

(Delegate Luedtke, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

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

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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 the awareness and prevention of sexual abuse and assault. The program must be taught by teachers who are trained to provide instruction on the awareness and prevention of sexual abuse and assault 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, 2016.

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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. To the extent MSDE is required by the bill to *monitor* compliance of nonpublic schools, additional staff are required (as explained below).

**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. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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## 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 the State’s Nonpublic Schools Textbook and Technology Grants program.

**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 that 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 underreported 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 are victims 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 June 2015, 24 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. Additionally, Vermont has similar requirements for sexual abuse and sexual assault awareness for every school, and Texas passed a similar law known as Jenna's law.

During the 2013-2014 school year, the most recent year for which data is available, a total of 128,211 students attended 1,425 nonpublic schools. The Governor's proposed fiscal 2017 budget includes \$6.0 million in aid to qualifying nonpublic schools from the Cigarette Restitution Fund for secular textbooks, computer hardware, and computer software. During the 2014-2015 school year, 347 nonpublic schools participated in the aid to nonpublic schools program for secular educational materials.

**State Fiscal Effect:** 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. However, significant operational changes are required to assemble the team necessary to develop and review the new curriculum.

MSDE advises that a half-time educational specialist is required to monitor nonpublic school curriculum and teachers to ensure that the schools comply with the bill. The Department of Legislative Services advises to the extent that MSDE is required to monitor nonpublic schools for compliance, a half-time educational specialist will be required; however, it is unclear whether the bill requires MSDE to monitor nonpublic school for compliance, and it is assumed that nonpublic schools will comply with the bill.

**Local Expenditures:** 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. 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.

The Montgomery County Public Schools advises that its middle school health education teachers received training in summer 2015 after the health education program was enhanced, its high school teachers received training in fall 2015 through the MSDE Sexual Harassment and Assault Prevention Program Grant, and its elementary teachers received training when the curriculum was last updated.

**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.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 383 of 2015, passed the House but received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, SB 489, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

**Cross File:** None.

**Information Source(s):** Dorchester, Garrett, Howard, and Montgomery counties; 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](http://www.erinmerryn.net/erin's-law); Department of Legislative Services

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