

HOUSE BILL 1072

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8lr2170

By: **Delegates Wilson, Angel, Impallaria, McComas, McDonough, Metzgar,
Morgan, Rosenberg, Saab, and K. Young**

Introduced and read first time: February 7, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring a county board of education to require each employee,
4 student, and volunteer of a public school or a public school program to receive annual
5 instruction and training on the prevention, identification, and reporting of certain
6 child sexual abuse; providing for the requirements of the instruction and training;
7 providing that an employee may receive a certain credit for undergoing certain
8 instruction and training; providing that the training may use certain materials and
9 include certain instruction; requiring the Governor to include a certain appropriation
10 in the annual budget bill for certain fiscal years; requiring each school, program, and
11 organization to maintain certain records; requiring a county board of education to
12 make certain information available to certain persons; defining a certain term; and
13 generally relating to child sexual abuse prevention.

14 BY repealing and reenacting, without amendments,
15 Article – Education
16 Section 6–113
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2017 Supplement)

19 BY adding to
20 Article – Education
21 Section 6–113.1
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2017 Supplement)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 6-113.

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

4 (1) An offense under § 3-307 or § 3-308 of the Criminal Law Article or an
5 offense under the laws of another state that would constitute a violation of § 3-307 or §
6 3-308 of the Criminal Law Article if committed in the State;

7 (2) Child sexual abuse under § 3-602 of the Criminal Law Article, or an
8 offense under the laws of another state that would constitute child sexual abuse under §
9 3-602 of the Criminal Law Article if committed in this State; or

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

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

17 **6-113.1.**

18 **(A) IN THIS SECTION, "CHILD SEXUAL ABUSE" MEANS AN ACT BY AN ADULT**
19 **INVOLVING A MINOR OR A STUDENT THAT CONSTITUTES A SEXUAL OFFENSE UNDER**
20 **THE LAWS OF THE STATE, OR ANY SEXUAL CONTACT BETWEEN AN ADULT AND A**
21 **MINOR.**

22 **(B) (1) A COUNTY BOARD SHALL REQUIRE EACH EMPLOYEE, STUDENT,**
23 **AND VOLUNTEER OF A PUBLIC SCHOOL OR A PUBLIC SCHOOL PROGRAM TO RECEIVE**
24 **INSTRUCTION ANNUALLY ON THE PREVENTION, IDENTIFICATION, AND REPORTING**
25 **OF CHILD SEXUAL ABUSE.**

26 **(2) THE INSTRUCTION DESCRIBED IN PARAGRAPH (1) OF THIS**
27 **SUBSECTION SHALL INCLUDE COMPREHENSIVE TRAINING AND INFORMATION TO**
28 **HELP EMPLOYEES, STUDENTS, AND VOLUNTEERS TO:**

29 **(I) RECOGNIZE SEXUALLY OFFENDING BEHAVIORS IN ADULTS,**
30 **AND SIGNS IN ADULTS THAT COULD INDICATE THE ADULT POSES A SEXUAL RISK TO**
31 **MINORS;**

32 **(II) RECOGNIZE, APPROPRIATELY RESPOND TO, AND PREVENT**
33 **SEXUALLY INAPPROPRIATE, COERCIVE, OR ABUSIVE BEHAVIORS AMONG MINORS;**

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

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

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

10 1. ADULT PERPETRATION AND MINOR-ON-MINOR
11 SEXUAL ABUSE;

12 2. COMPREHENSIVE SCREENING OF PROSPECTIVE
13 EMPLOYEES AND VOLUNTEERS;

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

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

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

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

26 (C) (1) EACH EMPLOYEE, STUDENT, AND VOLUNTEER SHALL COMPLETE
27 THE INSTRUCTION AND TRAINING DESCRIBED IN SUBSECTION (B) OF THIS SECTION
28 ON AN ANNUAL BASIS.

29 (2) AN EMPLOYEE REQUIRED TO UNDERGO CONTINUING
30 PROFESSIONAL EDUCATION SHALL RECEIVE CREDIT TOWARD CONTINUING
31 PROFESSIONAL EDUCATION REQUIREMENTS IF THE INSTRUCTION AND TRAINING
32 PROGRAM HAS BEEN APPROVED BY THE DEPARTMENT.

1 **(D) (1) THE INSTRUCTION AND TRAINING DESCRIBED IN SUBSECTION (B)**
2 **OF THIS SECTION SHALL USE TESTED, RESEARCH-BASED INSTRUCTIONAL**
3 **MATERIALS THAT HAVE BEEN DEMONSTRATED TO INCREASE THE PREVENTION**
4 **KNOWLEDGE AND SKILLS OF THOSE TRAINED AND MAY USE NOVEL OR AS YET**
5 **UNTESTED INSTRUCTIONAL MATERIALS IN THE CONTEXT OF AN EMPIRICALLY**
6 **RIGOROUS EVALUATION STUDY DESIGNED TO ASSESS THE RELIABILITY AND**
7 **VALIDITY OF THE UNTESTED MATERIALS.**

8 **(2) THE INSTRUCTION AND TRAINING UNDER THIS SECTION MAY**
9 **INCLUDE IN-PERSON OR E-LEARNING INSTRUCTION AND TRAINING.**

10 **(E) FOR FISCAL YEARS 2019 THROUGH 2024, THE GOVERNOR SHALL**
11 **INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$500,000**
12 **TO THE DEPARTMENT TO SUPPORT THE DEVELOPMENT, EVALUATION, AND**
13 **IMPLEMENTATION OF THE INSTRUCTION AND TRAINING DESCRIBED IN THIS**
14 **SECTION.**

15 **(F) EACH SCHOOL, PROGRAM, AND ORGANIZATION SHALL MAINTAIN, UNTIL**
16 **AT LEAST 3 YEARS AFTER THE INSTRUCTION AND TRAINING, RECORDS THAT**
17 **INCLUDE THE NAMES OF THE INDIVIDUALS WITHIN THE SCHOOL, PROGRAM, OR**
18 **ORGANIZATION WHO PARTICIPATED IN THE INSTRUCTION AND TRAINING.**

19 **(G) EACH COUNTY BOARD SHALL MAKE INFORMATION ABOUT THE**
20 **EDUCATION AND TRAINING OPPORTUNITIES DESCRIBED IN THIS SECTION**
21 **AVAILABLE TO PARENTS, LEGAL GUARDIANS, AND OTHER INTERESTED PERSONS IN**
22 **THE COMMUNITY.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2018.