

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 402 (Senator Zucker, *et al.*)
Education, Health, and Environmental Affairs

Education - Family Life and Human Sexuality Curriculum - Boundaries and
Consent

This bill requires, beginning in the 2018-2019 school year, a local board of education to provide age-appropriate instruction on the meaning of “consent” and respect for personal boundaries as part of the Family Life and Human Sexuality curriculum in every grade in which the curriculum is taught in public schools. “Consent” is defined as unambiguous and voluntary agreement between all participants to engage and respect personal boundaries in each physical act within the course of interpersonal relationships. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None. The topic of consent has already been added to the health education framework.

Local Effect: Local school systems can comply with the bill using existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: Chapter 609 of 2016 required the State Board of Education and each nonpublic school 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. MSDE advises that, in response to Chapter 609, *Standard 5: Safety and Injury Prevention* of the State health education framework was updated to include performance indicators related to age-appropriate instruction on the meaning of “consent” and respecting and setting personal boundaries.

According to the regulations, each local school system must provide an instructional program in comprehensive health education that includes specified family life and human sexuality objectives.

In 2015, Virginia enacted legislation that requires the high school family life curriculum to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence. A bill was introduced in Michigan in 2015 that would have required sex education classes to teach affirmative consent.

Local Fiscal Effect: Local school systems can update and enhance their curriculums to teach consent as defined in the bill and share the information with health educators prior to the 2018-2019 school year using existing resources. Local school systems advise that edits and updates to the local health curriculum take place on an ongoing basis.

In 2017, Montgomery County Public Schools advised that affirmative consent is part of its current health education curriculum and that teachers have received the curriculum, updates, and training. Likewise, Baltimore City Public Schools advised that consent is currently included within the comprehensive health education curriculum, Family Life and Human Sexuality unit, beginning in grade 5.

Additional Information

Prior Introductions: Similar legislation, HB 1560 of 2017, passed the House of Delegates. It passed second reading in the Senate, but no further action was taken.

Cross File: HB 251 (Delegate Kelly, *et al.* - Ways and Means) is identified as a cross file; however, the bills are not identical.

Information Source(s): Baltimore, Carroll, Harford, and Montgomery counties; Baltimore City Public Schools; Maryland State Department of Education; Department of Legislative Services

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