

## Chapter 31

**(House Bill 1072)**

AN ACT concerning

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

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

BY repealing and reenacting, without amendments,

Article – Education

Section 6–113

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Education

Section 6–113.1

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

**Article – Education**

6–113.

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

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

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

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

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

#### 6–113.1.

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

**(2) “~~CHILD~~ CHILD SEXUAL ABUSE” MEANS AN ACT BY AN ADULT INVOLVING A MINOR OR A STUDENT THAT CONSTITUTES A SEXUAL OFFENSE UNDER THE LAWS OF THE STATE, OR ANY SEXUAL CONTACT BETWEEN AN ADULT AND A MINOR.**

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

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

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

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

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

**(V) GROOMING BEHAVIORS;**

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

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

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

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

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

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

(III) RECOGNIZE BEHAVIORS AND VERBAL CUES THAT COULD 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.

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

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

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

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

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

(II) SHALL BE PERIODICALLY REVIEWED AND UPDATED.

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

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

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

(2) BEGINNING IN THE 2019-2020 SCHOOL YEAR, EACH COUNTY BOARD SHALL DEVELOP POLICIES AND PROCEDURES ON THE USE AND MODIFICATION OF PHYSICAL FACILITIES AND SPACES TO REDUCE OPPORTUNITIES FOR CHILD SEXUAL ABUSE.

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

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

Approved by the Governor, April 10, 2018.