

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1005  
Ways and Means

(Delegate Wilson)

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Education - Health and Safety of Students - Notification of Problematic Sexual  
Behavior

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This bill requires each public school and nonpublic school that receives State funding to notify the parents or guardians of all students involved in an incident of “problematic sexual behavior” by the close of business on the day of the incident. “Problematic sexual behavior” is student-initiated behavior that involves intimate parts in a manner that is developmentally inappropriate and potentially harmful to the student or others. Local boards of education must ensure that each public school has a policy to provide the required notification. **The bill takes effect July 1, 2020.**

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Fiscal Summary

**State Effect:** The bill does not directly affect State finances or operations.

**Local Effect:** Local school systems can comply with the bill’s requirements using existing resources. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:** There are no statutory provisions that specifically address the reporting of problematic sexual behaviors to parents and guardians.

Each local board of education must have a policy to prevent bullying, harassment, and intimidation that reflects a model policy as developed by the State Board of Education.

Bullying harassment, or intimidation may include conduct that is sexual in nature. The policies must include procedures for providing notice of an act of bullying, harassment, or intimidation (1) to a parent or guardian of the victim, within three business days after the act is reported and (2) to a parent or guardian of the alleged perpetrator, within five business days.

Pursuant to Maryland regulations, school officials must promptly report to the responsible law enforcement agency all delinquent acts (offenses committed by a minor that would be crimes if committed by an adult). Delinquent acts do not include conduct that has traditionally been treated as a matter of discipline to be handled administratively. However, all conduct of a serious nature should be promptly reported to the parent or guardian.

Pursuant to the Family Law Article, specified individuals, including educators, who are acting in a professional capacity and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency.

According to the National Child Traumatic Stress Network, there are many possible reasons why children may show sexual behaviors that are inappropriate or unexpected for their age. These behaviors may be related to anxiety, traumatic experiences (including abuse and exposure to violence in the home), poor impulse control, or other factors. Although some children who have sexual behavior problems have a history of being sexually abused, children who have not been sexually abused may also exhibit similar behaviors.

**Additional Comments:** It is anticipated that nonpublic schools can implement procedures to comply with the bill's requirements with minimal impact.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Montgomery County Public Schools; National Child Traumatic Stress Network; Department of Legislative Services

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af/rhh

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