

## **Unfavorable Response to House Bill 342**

### **Family Law - Notification of Problematic Student Behavior**

Families Advocating Intelligent Registries (FAIR) has a special concern for persons accused and convicted of sexual offenses and seeks rational, constitutional sexual offense laws and policies. House Bill 382 seeks to assure that parents are notified promptly when students exhibit problematic sexual behavior at school. We have several concerns with this bill as drafted.

According to the proposed law, “problematic sexual behavior” means student-initiated behavior that involves intimate parts (naked genitals, pubic area, buttocks, or female nipple) in a manner that is developmentally inappropriate and potentially harmful to the student or others.

We have a concern that there is no definition of what would be developmentally appropriate. What if the child has a learning disability, is on the autism spectrum, or has suffered an early trauma? Who would make the decision about what is appropriate for them or for even an “ordinary” child?

Similarly, there is no attempt to define “potentially harmful.” Harmful in what way? Direct physical harm only? Psychological harm? Reputational harm? This needs to be clearer.

Finally, FAIR is concerned that this bill would require each public and nonpublic school 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. Having a mandate to report by close of business is unrealistic. Even if an incident occurs first thing in the morning, this does not allow sufficient time for school officials to speak to the students and staff involved, and sift facts from falsehoods.

#### **Our recommendation:**

Family Law Article § 7-424.3 has already spelled out steps that public and non-public schools should take for similar incidents, including establishing a policy for:

- (7) Standard procedures for providing notice of an act of bullying, harassment, or intimidation to: (i) A parent or guardian of the alleged victim, within 3 business days after the date the act is reported; and (ii) A parent or guardian of the alleged perpetrator, within 5 business days after the date the act is reported.

Given this is already in our laws, it would make more sense to simply insert the new definition of problematic sexual behavior at the beginning of 7-424.3 and let the remaining policies stand.

FAIR respectfully requests that unless the bill can be amended as suggested above, the committee vote NO on House Bill 342.

Sincerely,

A handwritten signature in cursive script that reads "Brenda V. Jones". The signature is written in black ink and is positioned above the typed name.

Brenda V. Jones, Executive Director  
Families Advocating Intelligent Registries