

HOUSE BILL 1332

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71r2638
CF SB 876

By: **Delegates Dumais and Rosenberg**
Introduced and read first time: February 28, 2007
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Suspected Child Abuse by Employee or Independent Contractor**
3 **Involving Students in Nonpublic Schools – Disclosure**

4 FOR the purpose of providing that certain provisions relating to the disclosure of a
5 report or record of suspected child abuse to public schools be made applicable to
6 private schools; designating which individuals, in cases involving students in
7 nonpublic schools, are authorized to receive certain reports or records; providing
8 for the effective date of certain provisions of this Act; providing for the
9 termination of certain provisions of this Act; and generally relating to the
10 disclosure of reports or records of suspected child abuse.

11 BY repealing and reenacting, with amendments,
12 Article 88A – Department of Human Resources
13 Section 6(b)(2)(vii)
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Human Services
18 Section 1–202(a)
19 Annotated Code of Maryland
20 (As enacted by Chapter _____ (S.B. 6) of the Acts of the General Assembly of
21 2007)

22 BY repealing and reenacting, with amendments,
23 Article – Human Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1-202(c)(1)(vii)
 2 Annotated Code of Maryland
 3 (As enacted by Chapter _____ (S.B. 6) of the Acts of the General Assembly of
 4 2007)

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

7 **Article 88A – Department of Human Resources**

8 6.

9 (b) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family
 10 Law Article, and § 6A of this subtitle, and this section, all records and reports
 11 concerning child abuse or neglect are confidential, and their unauthorized disclosure is
 12 a criminal offense subject to the penalty set out in subsection (e) of this section.
 13 Reports or records concerning child abuse or neglect:

14 (2) May be disclosed on request:

15 (vii) **1.** To the appropriate public school superintendent **OR**
 16 **THE PRINCIPAL OR EQUIVALENT EMPLOYEE OF A NONPUBLIC SCHOOL THAT**
 17 **HOLDS A CERTIFICATE OF APPROVAL FROM THE STATE OR IS REGISTERED WITH**
 18 **THE STATE DEPARTMENT OF EDUCATION** for the purpose of carrying out
 19 appropriate personnel or administrative actions following a report of suspected child
 20 abuse involving a student committed by:

21 [1.] **A.** A public school employee in that school system;

22 **B. AN EMPLOYEE OF THAT NONPUBLIC SCHOOL;**

23 [2.] **C.** An independent contractor who supervises or
 24 works directly with students in that school system **OR THAT NONPUBLIC SCHOOL;** or

25 [3.] **D.** An employee of an independent contractor,
 26 including a bus driver or bus assistant, who supervises or works directly with students
 27 in that school system **OR THAT NONPUBLIC SCHOOL; AND**

28 **2. IF THE REPORT CONCERNS SUSPECTED CHILD**
 29 **ABUSE INVOLVING A STUDENT COMMITTED BY AN EMPLOYEE, INDEPENDENT**
 30 **CONTRACTOR, OR EMPLOYEE OF AN INDEPENDENT CONTRACTOR DESCRIBED IN**

1 **ITEM 1 OF THIS ITEM AND EMPLOYED BY A NONPUBLIC SCHOOL UNDER THE**
 2 **JURISDICTION OF THE SUPERINTENDENT OF SCHOOLS FOR THE ARCHDIOCESE**
 3 **OF BALTIMORE, THE ARCHDIOCESE OF WASHINGTON, OR THE CATHOLIC**
 4 **DIOCESE OF WILMINGTON, TO THE APPROPRIATE SUPERINTENDENT OF**
 5 **SCHOOLS;**

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 7 read as follows:

8 **Article – Human Services**

9 1–202.

10 (a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family
 11 Law Article, § 1–203 of this subtitle, and this section, a person may not disclose a
 12 report or record concerning child abuse or neglect.

13 (c) A report or record concerning child abuse or neglect:

14 (1) may be disclosed on request to:

15 (vii) **1.** the appropriate public school superintendent **OR THE**
 16 **PRINCIPAL OR EQUIVALENT EMPLOYEE OF A NONPUBLIC SCHOOL THAT HOLDS**
 17 **A CERTIFICATE OF APPROVAL FROM THE STATE OR IS REGISTERED WITH THE**
 18 **STATE DEPARTMENT OF EDUCATION** to carry out appropriate personnel or
 19 administrative actions following a report of suspected child abuse involving a student
 20 committed by:

21 [1.] **A.** a public school employee in that school system;

22 **B. AN EMPLOYEE OF THAT NONPUBLIC SCHOOL;**

23 [2.] **C.** an independent contractor who supervises or
 24 works directly with students in that school system **OR THAT NONPUBLIC SCHOOL;** or

25 [3.] **D.** an employee of an independent contractor,
 26 including a bus driver or bus assistant, who supervises or works directly with students
 27 in that school system **OR THAT NONPUBLIC SCHOOL; AND**

28 **2. IF THE REPORT CONCERNS SUSPECTED CHILD**
 29 **ABUSE INVOLVING A STUDENT COMMITTED BY AN EMPLOYEE, INDEPENDENT**

1 **CONTRACTOR, OR EMPLOYEE OF AN INDEPENDENT CONTRACTOR DESCRIBED IN**
2 **ITEM 1 OF THIS ITEM AND EMPLOYED BY A NONPUBLIC SCHOOL UNDER THE**
3 **JURISDICTION OF THE SUPERINTENDENT OF SCHOOLS FOR THE ARCHDIOCESE**
4 **OF BALTIMORE, THE ARCHDIOCESE OF WASHINGTON, OR THE CATHOLIC**
5 **DIOCESE OF WILMINGTON, TO THE APPROPRIATE SUPERINTENDENT OF**
6 **SCHOOLS;**

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
8 take effect on the taking effect of Chapter ___ (S.B. 6) of the Acts of the General
9 Assembly of 2007. If Section 2 of this Act takes effect, Section 1 of this Act shall be
10 abrogated and of no further force and effect.

11 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
12 of Section 3 of this Act, this Act shall take effect July 1, 2007.