

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 1256 (Delegate Rosenberg, *et al.*)  
Judiciary and Ways and Means

**Child Sexual Abuse Reporting - Training of School Employees**

This bill requires the State Board of Education, after consultation and input from local boards of education, the Department of Human Resources, and the State Council on Child Abuse and Neglect, to develop a model program for training professional school employees on the prevention, identification, and reporting of sexual abuse. The model program must be developed by December 31, 2012. Local boards of education and nonpublic schools that participate in State-funded programs must use the model policy to provide mandatory training to all school employees, provide voluntary training for school volunteers and students' parents and guardians, and make information on sexual abuse available through student handbooks and on each school's website.

The bill takes effect July 1, 2012.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$21,200 in FY 2013, which reflects the cost of hiring one part-time contractual employee to coordinate with other organizations to develop a model program for training professional school employees on the prevention, identification, and reporting of sexual abuse. Revenues are not affected.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	21,200	0	0	0	0
Net Effect	(\$21,200)	\$0	\$0	\$0	\$0

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Local school expenditures may increase to update child abuse and neglect training in order to meet the requirements of the model policy on child sexual abuse as developed by the State board.

**Small Business Effect:** Minimal. Private schools that participate in State-funded programs may incur additional costs.

---

## Analysis

**Bill Summary:** The model program developed by the State board must include:

- methods to create safe environments by reducing opportunities for sexual abuse;
- information on how to prevent sexual abuse by recognizing early warning signs of potential abuse;
- indicators of typical behaviors of sexual predators, including the grooming process, boundary violations, and other inappropriate activities;
- information on the incidence of sexual abuse in and close to the home of a student;
- the signs and symptoms of sexual abuse and sexual violence;
- guidance on appropriate responses to students who report sexual abuse, including available counseling and resources for students affected by sexual abuse; and
- requirements for reporting sexual abuse to appropriate State agencies, as required under the Family Law Article.

The model program developed by the State board may include an age-appropriate sexual abuse prevention curriculum for students in prekindergarten through grade 5.

By June 1, 2013, each local board of education and nonpublic school that participates in State-funded education programs must (1) develop a mandatory training program for all school employees based on the model program developed by the State board; (2) provide opportunities to participate in the training to all school volunteers and parents and guardians of students; and (3) make available to all parents and guardians of students information on the warning signs of a child who is being sexually abused and the available counseling and resources for a student affected by sexual abuse in the school handbook and on the school's website.

The bill defines "sexual abuse" as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. Specifically, "sexual abuse" includes: incest, rape, or sexual offense in any degree; sodomy; and unnatural or perverted sexual practices.

A "school employee" is defined as an educator, a volunteer supervised by an educator, and a health practitioner.

**Current Law:** Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity and 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. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee. (See Family Law Article § 5-704.)

In general, a person other than a health care practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to abuse must notify the local department of social services or the appropriate law enforcement agency. Attorneys and clergy are generally exempt from reporting if they become aware of suspected abuse through privileged communications, as specified in statute. (See Family Law Article § 5-705.)

“Abuse” is defined in the Family Law Article as the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed; or sexual abuse of a child whether physical injuries are sustained or not.

“Sexual abuse” is defined in Family Law Article as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household family member. Specifically, “sexual abuse” includes: incest, rape, or sexual offense in any degree; sodomy; and unnatural or perverted sexual practices.

**Background:** It is estimated that one in four girls and one in six boys will have experienced an episode of sexual abuse while younger than 18 years. Many sexually abused children exhibit physical and behavioral symptoms. *Practical Strategies for School Counselors* developed by the Maryland State Department of Education (MSDE) lists some of these indicators of sexual abuse.

MSDE reports that, because educators are required to report child abuse and neglect under the Family Law Article, all local school systems currently provide training to all school personnel on child abuse and neglect policies and procedures. According to statute, child abuse specifically includes sexual abuse. The training also includes symptoms of child abuse and neglect as well as the related programs and services available. As part of the curriculum, local school systems also have a child abuse and neglect awareness and prevention education program for all students.

**State Expenditures:** General fund expenditures increase by \$21,163 in fiscal 2013 for the cost of hiring one part-time contractual employee to coordinate with other organizations to develop a model program for training professional school employees on the prevention, identification, and reporting of sexual abuse. It includes a part-time salary, fringe benefits, one-time start-up costs, ongoing operating expenses, and the completion of the work by December 31, 2012.

	<b><u>FY 2013</u></b>
Salary and Fringe Benefits	\$16,403
Operating Expenses	275
Start-up Costs	<u>4,485</u>
<b>Total</b>	<b>\$21,163</b>

**Local Expenditures:** MSDE reports that all local school systems currently have child abuse and neglect training for all school personnel. Information on child sexual abuse policies and procedures and information about symptoms and prevention of child sexual abuse are included in the training. Depending on the model policy developed by the State board, local school systems may need to update their current training programs. Local school expenditures, therefore, are dependent on the model policy developed.

**Small Business Effect:** Expenditures for private schools that participate in State-funded programs may increase to (1) develop a mandatory training program for all school employees based on the model program developed by the State Board of Education; (2) provide opportunities to participate in the training to all school volunteers and parents and guardians of students; and (3) make information on the warning signs of a child who is being sexually abused available in the school handbook and on the school's website. Due to limited information, costs cannot be reliably estimated but will depend on the model program developed by the State Board of Education and the extent to which each school currently provides the required training and information.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** Although listed as a cross file, SB 613 (Senator Raskin, *et al.* - Education, Health, and Environmental Affairs and Judicial Proceedings) is not identical.

**Information Source(s):** Maryland State Department of Education; Carroll, Cecil, Frederick, and Harford counties; National Center for Victims of Crime; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2012  
mm/mwc

---

Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510