

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 342
Ways and Means

(Delegate Wilson)

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

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, 2021.**

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.

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.

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

Additional Information

Prior Introductions: HB 1005 of 2020 received a hearing in the House Ways and Means Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

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