

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 350 (Delegate Grammer)
Ways and Means

Public Schools - Reporting of Sexual Misconduct, Stalking, and Harassment
(Report Act of 2023)

This bill requires a school administration (*i.e.*, a principal of a public school or designee) to file an administrative incident report with the local board if sexual misconduct, stalking, or harassment is reported to the school administration. The report must include specified information about the incident, including the time, date, location, and description of the incident and the identities and statements of witnesses. The school administration must provide a copy of the incident report to the victim and, if the victim is a student, the victim’s parents. Each local board must adopt (1) regulations to implement the bill and (2) a policy that specifies penalties, including termination of employment. The bill also establishes reporting requirements for local boards of education and the Maryland State Department of Education (MSDE). **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: MSDE can handle the reporting requirement with existing resources. Revenues are not affected.

Local Effect: Local school systems can likely implement the bill, including collecting and submitting the required data, with existing budgeted resources, but doing so may detract from other school safety-related functions in some school systems. The bill requires school principals to determine if reported incidents meet the legal standards for sexual misconduct, stalking, or harassment. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: “Harassment” means following a person in or about a public place or maliciously engaging in a course of conduct that alarms or seriously annoys another person, as specified. “Sexual misconduct” and “stalking” are as defined in the Criminal Law Article.

Within 30 days after the final day of the school year, each local board must report the total number of incidents filed with the local board to MSDE. Within 60 days after the final day of the school year, MSDE must report to the General Assembly the total number of reports filed in accordance with the bill.

Current Law: When a student is arrested for a “reportable offense” or an offense related to the student’s membership in a criminal organization, the law enforcement agency making the arrest *must* notify (1) the local superintendent; (2) the school principal; and (3) if appropriate, the school security officer. The law enforcement agency *may* also notify the State’s Attorney.

A reportable offense is an offense that (1) occurred off school premises; (2) did not occur at an event sponsored by the school; and (3) includes a crime of violence, as specified in current law, and numerous other specified weapons-, drug-, assault-, and theft-related offenses. If a student is removed or excluded from the student’s regular school for a reportable offense, the student’s attorney (if applicable) must be invited to participate in a conference between the student or the student’s parent or guardian and the principal or county superintendent.

Except by order of a juvenile court with good cause shown, information about a student’s arrest is confidential and may not be redisclosed, except as specified, and may not be part of the student’s permanent educational record. A superintendent may share the information as part of a confidential file with another superintendent or a nonpublic school in the State in which the student has enrolled. The information shared must include information regarding any educational programming and related services provided to the student. The State Board of Education is required to adopt regulations to ensure that information obtained by local superintendents, principals, or school security officers is used only for specified educational purposes and is destroyed when the student graduates, otherwise permanently leaves school, or turns 22 years old, whichever comes first.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1356 of 2022 and HB 846 of 2020.

Designated Cross File: None.

Information Source(s): Baltimore City Public Schools; Anne Arundel County Public Schools; Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2023
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