



HB1356 PUBLIC SCHOOLS - REPORTING OF SEXUAL MISCONDUCT, STALKING, AND HARASSMENT (REPORT ACT OF 2022)

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WAYS AND MEANS COMMITTEE

OPPOSE

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Anne Arundel County Public Schools (AACPS) opposes **HB1356 Public Schools - Reporting of Sexual Misconduct, Stalking, and Harassment (Report Act of 2022)**. This bill requires a school administration to file an administrative incident report if sexual misconduct, stalking, or harassment is reported to the school administration. It requires the school administration to provide a copy of the administrative incident report to the victim and the parent of the victim. It also requires each county board of education to adopt a policy specifying the penalty for a violation of the Act.

This bill is well-intentioned bill; however, it establishes requirements that will cause and create confusion. The bill specifically provides, “If harassment, stalking or sexual misconduct is reported to school administration, the school administration shall file an administrative incident report...” The bill does not make any mention of where the “harassment, stalking or sexual misconduct” must occur or is alleged to have occurred. This is a notable omission as conduct by a student, for example, on school property or school-sponsored activity is addressed distinctly than conduct which occurs off school property with no nexus to the school.

The bill also defines certain terms, including “sexual misconduct” as crimes, when a different section of the Education Article already defines sexual misconduct and does not mention the Criminal Law Article in its definition. These inconsistencies will undoubtedly create confusion as school systems have grown accustomed to the definition of “sexual misconduct” found in Section 6-113.1 of the Education Article. AACPS believes that there are adequate federal and State laws in place to address the issues this legislation attempts to address.

Additionally, the creation of incident reports can potentially become personnel records or disciplinary records. As a personnel record, and without a finding, the incident report has the potential of harming the professional reputation of an employee without placing adequate safeguards such as what the record can be used to accomplish in school-based hearings or litigation. The fact that a record is created does not make it an accurate record without an investigation or investigative report. Similarly, the report can cause the same kind of harm to a student, although there are strong legal protections around student records.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on HB1356.