

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.



HB1105 – Applicants for Positions Involving Direct Contact with
Minors – Required Information,
Review Process, and Reporting - Alterations
House Ways & Means Committee
February 24, 2025

Position: SUPPORT

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1996 who are concerned about the care of Maryland's most vulnerable children and work together to promote meaningful child welfare reform. **CPMC urges a favorable report on HB1105** - Applicants for Positions Involving Direct Contact with Minors – Required Information, Review Process, and Reporting - Alterations.¹

HB1105 enhances and expands systems to protect children from sexual abuse and sexual misconduct through several modifications to legislation passed in 2018 (HB1072) and 2019 (HB0486). These bills required Maryland public and private schools to train staff about sexual abuse and sexual misconduct, develop a code of conduct for school staff, and conduct pre-employment screening for acts of sexual abuse or misconduct during prior employment.

HB1105 improves the 2018 and 2019 legislation by:

- (1) Expanding current training, code of conduct, and background check requirements to include childcare centers and youth-serving organizations;
- (2) Including definitions of boundary-violating behavior and youth serving organizations;
- (3) Requiring schools, childcare centers, and youth-serving organizations to request Child Protective Services (CPS) background clearances from the Department of Human Services prior to employment; and
- (4) Requiring County Boards of Education to submit an annual report to the Maryland State Department of Education delineating the training developed and implemented, and the policies and procedures for screening applicants.

It also requires County Boards of Education to share with MSDE the employee codes of conduct for the county board and each non-public school and contracting agency in the county.

¹ Members of CPMC represented by this written testimony include Catholic Charities of Baltimore, Center for Hope, Child Justice, Citizens Review Board for Children, Court Appointed Special Advocates (MD CASA), Court Appointed Special Advocates (Baltimore County), Everstand, The Family Tree, MD Chapter - American Academy of Pediatrics, Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, Maryland Coalition Against Sexual Assault, Maryland Network Against Domestic Violence, National Association of Social Workers – MD, and State Council on Child Abuse & Neglect (SCCAN)

Child sexual abuse is, unfortunately, extremely common in our society, with approximately 27% of girls and 5% of boys acknowledging abuse by age 17 via anonymous survey.² Child sexual abuse can have significant negative effects during childhood and through adulthood. For children and teenagers, these effects include physical problems such as bedwetting, somatic complaints (physical complaint without known biologic cause - e.g. chronic abdominal or pelvic pain), weight gain and obesity; academic problems such as poor academic performance, school failure, and psychological problems such as depression, suicide, self-injury, eating disorders, and aggressive or withdrawn behavior.³ Teenage girls who have been sexually abused have twice the likelihood of teen pregnancy,⁴ while teenage boys are nearly 5 times more likely to get someone pregnant.⁵ Adults who have been sexually abused have twice the likelihood of suicide.⁶ Women with a history of sexual abuse spend more on healthcare costs, even after adjusting for mental health costs, have more doctor visits, more surgical procedures, and more hospitalizations.

In addition to some of the effects noted above, children, families, and communities may experience a profound loss of trust when institutions such as schools, childcare centers, and recreation centers, which are supposed to keep our children safe, fail to do so.

Multiple episodes of sexual abuse in Maryland schools^{7,8,9} as well as incidents where incomplete background checks put children at risk¹⁰ spurred action. The Maryland State Council on Child Abuse and Neglect (SCCAN) along with partners including The Family Tree, The Coalition to Protect Maryland's Children, the Maryland Chapter of the American Academy of Pediatrics, and others pushed for legislation to prevent these incidents in schools. HB1072 (2018) and HB0486 (2019) were a direct result of these advocacy efforts, and the requirements are summarized at the end of this testimony.

² Finkelhor D, Shattuck A, Turner HA, Hamby SL. The lifetime prevalence of child sexual abuse and sexual assault assessed in late adolescence. *Journal of Adolescent Health*. 2014; 55:329-333.

³ Trickett PK, McBride-Chang C. The developmental impact of different forms of child abuse and neglect. *Developmental Review*. 1995; 15:311-337. & Drossman DA. Abuse, trauma, and GI Illness: Is there a link? *Am J Gastroenterol*. 2011; 106:14-25 & Wonderlich SA, Wilsnack RW, Wilsnack SC, Harris TR. Child sexual abuse and bulimic behavior in a nationally representative sample. *American Journal of Public Health*. 1996;86(8):1082-1086. & Mills R, Scott J, Alati R, O'Callaghan M, Najman JM, Strathearn L. Child maltreatment and adolescent mental health problems in a large birth cohort. *Child Abuse & Neglect*. 2013; 37:292-302.

⁴ Noll JG, Shenk CE, Putnam FW. Childhood sexual abuse and adolescent pregnancy: a meta-analytic update. *Journal of Pediatric Psychology*. 2009;34(4):366-378.

⁵ Homma Y, Wang N, Saewyc E, Kishor N. The relationship between sexual abuse and risky sexual behavior among adolescent boys: A meta-analysis. *Journal of Adolescent Health*. 2012; 51:18-24.

⁶ ACE Studies - <https://www.cdc.gov/violenceprevention/acestudy/about.html> & Dube SR, Anda RF, Whitfield CL, Brown DW, Felitti VJ, Dong M, Giles WH. Long-term consequences of childhood sexual abuse by gender of victim. *AJPH*. 2005;28(5):430-438.

⁷ https://www.washingtonpost.com/local/education/he-was-warned-about-getting-too-close-to-students-but-this-maryland-teacher-was-allowed-to-stay-in-the-classroom/2017/08/25/5ac2ad76-7bbe-11e7-a669-b400c5c7e1cc_story.html?utm_term=.0e6df6531ae9

⁸ https://www.washingtonpost.com/local/education/for-years-pr-georges-didnt-strengthen-school-sex-abuse-policies/2016/03/31/03367b88-db32-11e5-81ae-7491b9b9e7df_story.html?utm_term=.8fa3e5820290

⁹ https://www.nbcwashington.com/investigations/Teacher-Sexually-Assaulted-Student-Maryland-After-Prior-Guilty-Plea-Virginia-397830541.html?_osource=SocialFlowFB_DCBrand

¹⁰ <https://www.nbcwashington.com/investigations/Teacher-Who-Lost-License-in-Fla-Went-on-to-Teach-in-Two-Md-Districts-474223053.html>

In 2023, SCCAN completed a search of board of education websites for all 24 Maryland jurisdictions and then attempted to contact staff in every jurisdiction to determine what had been done to comply with HB1072 and HB0486. In addition, while not part of HB1072 or HB0486, SCCAN asked whether boards of education routinely complete CPS background checks when hiring new employees. SCCAN found that it was sometimes challenging to identify the appropriate point of contact, particularly in larger jurisdictions. All jurisdictions indicated that they had developed the Codes of Conduct, though only 16/24 (67%) indicated that their Code of Conduct specifically addressed appropriate staff-student boundaries. Only 12/24 (50%) of jurisdictions were requiring CPS background checks prior to hiring.

Through the work of SCCAN and other child serving organizations, it became clear that the legislation as written was missing a number of protections, including:

- (1) A requirement for monitoring of implementation and compliance.
- (2) A requirement for CPS background checks to determine whether prospective employees had been investigated by Child Protective Services and had been found responsible for abuse or neglect of a child.
- (3) A mandate that other child serving organizations such as after school programs or childcare sites follow these same protections.
- (4) A clear definition of boundary violating behavior.

HB1105 addresses each of these deficiencies and establishes multiple layers of protection to prevent children from being sexually abused:

Background checks: Schools, childcare centers and youth serving organizations will be required to complete several different background checks for prospective employees, which each capture different information:

- **Criminal Background Checks:** All currently conduct criminal background checks. However, most instances of child sexual abuse do not result in a criminal conviction.
- **CPS background checks:** Will help identify confirmed instances of abuse that may not have led to a criminal prosecution or conviction.
- **Prior Employment Checks on Sexual Abuse, Misconduct, and Boundary-Violating Behavior:** This will alert prospective employers about behavior that is exploitative, inappropriate, harmful, and/or unwanted, which may not meet the legal definition of abuse, but serves as a red flag for possible future abusive behavior.

Education and Clear Policies on Interactions with Children: Staff who interact with children will receive training about interactions with children that may violate boundaries, enabling them to identify potential grooming behavior in others, and address it before a child is abused. Clear policies set a standard for appropriate behavior and for potential disciplinary action.

Monitoring and Compliance: Ensures that schools, childcare centers, and child serving organizations are following the law and doing what they need to do to protect children. Unfortunately, instances of child sexual abuse Clearly, primary prevention (i.e. before sexual abuse occurs) of child sexual abuse is badly needed.

The negative effects of child sexual abuse can be enormous, and prevention is possible. We should be doing all that we can to prevent children from being sexually abused in schools and programs that are responsible for keeping children safe.

It is for these reasons that the Coalition to Protect Maryland's Children **urges a favorable report on HB1105** - Applicants for Positions Involving Direct Contact with Minors – Required Information, Review Process, and Reporting – Alterations.

Prior Maryland Legislation to Prevent Child Sexual Abuse in Schools

2018's HB1072 – Child Sexual Abuse Prevention – Instruction and Training

- Required each county board of education or non-public school that receives state funds to require annual instruction of all school employees on the prevention, identification, and reporting of sexual abuse and misconduct. The training must include:
 - Recognition of sexual misconduct in adults;
 - Recognition, and appropriate response to sexually inappropriate, coercive, or abusive behaviors among minors;
 - Recognition of behaviors and verbal cues that could indicate a minor has been a victim of child sexual abuse;
 - Responding to disclosures by minors or their parents or guardians of child sexual abuse or reports of boundary-violating behaviors of adults or minors in a supportive and appropriate manner that meets mandatory reporting requirements under state law.
- Required each county board to establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff on behavior that constitutes adult perpetration; reporting obligations and procedures; and for staff involved in hiring: comprehensive screening of prospective employees.
- Required each county board to develop an Employee Code of Conduct that addresses appropriate contact between staff and students.
- Beginning in the 2019-2020 school year, required that each county board develop policies and procedures on the use and modification of physical facilities and spaces to reduce opportunity for child sexual abuse. SCCAN worked with the Interagency Commission on School Construction to draft the “Guidelines and Best Practices for the Assessment and Modification of Physical Facilities and Spaces to Reduce Opportunities for Child Sexual Abuse” which were approved by both groups.

2019's HB0486: Education – Personnel Matters – Child Sexual Abuse and Sexual Misconduct Prevention

- For new employees who will have direct contact with minors, it requires schools to gather information about applicants' prior employment and consent to contact prior employers. Requires schools to request prior employers about past sexual misconduct or abuse investigation.