

# HOUSE BILL 1033

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5l0943  
CF 5l2659

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By: **Delegates Luedtke, Kaiser, Zucker, Barkley, Gutierrez, Kelly, Korman, and Smith**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Sexual and Physical Abuse Notification and**  
3 **Prevention**

4 FOR the purpose of requiring certain law enforcement agencies to notify certain county  
5 superintendents and certain employees of certain nonpublic schools if certain  
6 employees or certain other adults working on school property are arrested for certain  
7 crimes within a certain period of time; requiring a certain county superintendent and  
8 certain employees of certain nonpublic schools to notify certain parents and  
9 employees of a certain arrest within a certain period of time; requiring a certain  
10 notification to contain certain information; authorizing certain county  
11 superintendents and certain employees of certain nonpublic schools to delay a  
12 certain notification if requested to do so by certain law enforcement agencies under  
13 certain circumstances; requiring certain county boards and certain nonpublic schools  
14 to ensure that certain employees receive a certain annual training and providing for  
15 the content of the training; requiring the State Board of Education to provide certain  
16 links to certain information on the State Board’s Web site; requiring certain county  
17 boards and certain public and nonpublic schools to provide a certain link to certain  
18 information on a certain Web site; requiring the State Board to adopt certain  
19 regulations; defining certain terms; and generally relating to sexual and physical  
20 abuse notification and prevention in public and nonpublic schools in the State.

21 BY adding to  
22 Article – Education  
23 Section 7–437  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2014 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
27 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Education

7-437.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-201(D)(1) OF THE PUBLIC SAFETY ARTICLE.

(3) “NONPUBLIC SCHOOL” MEANS A PRIMARY OR SECONDARY SCHOOL THAT HOLDS A CERTIFICATE OF APPROVAL FROM THE STATE BOARD UNDER § 202-6(E) TO OPERATE IN THE STATE.

(4) “PRINCIPAL” MEANS A PRINCIPAL OF A NONPUBLIC SCHOOL, AN EQUIVALENT ADMINISTRATIVE EMPLOYEE AT THE NONPUBLIC SCHOOL, OR THE PRINCIPAL’S DESIGNEE.

(5) “REPORTABLE OFFENSE” MEANS:

(I) FOR AN EMPLOYEE OF A LOCAL SCHOOL SYSTEM OR A NONPUBLIC SCHOOL:

1. AN OFFENSE UNDER § 3-307 OF THE CRIMINAL LAW ARTICLE;

2. CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THIS STATE; OR

3. A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD BE A VIOLATION OF § 14-101 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THIS STATE; OR

(II) FOR AN ADULT WORKING ON PUBLIC SCHOOL OR NONPUBLIC SCHOOL PROPERTY AS A CONTRACTOR, SUBCONTRACTOR, OR A PAID LEADER OF A SCHOOL ACTIVITY, AN OFFENSE UNDER TITLE 3, SUBTITLES 3 OR 6 OF THE CRIMINAL LAW ARTICLE THAT INVOLVED A STUDENT WHO ATTENDED A SCHOOL WHERE THE ADULT WAS EMPLOYED AT THE TIME OF THE OFFENSE.

1           **(6) "SCHOOL ACTIVITY" MEANS AN EVENT SPONSORED BY A PUBLIC**  
2 **OR NONPUBLIC SCHOOL.**

3           **(B) (1) IF AN EMPLOYEE OR AN ADULT WORKING ON SCHOOL PROPERTY**  
4 **AS A CONTRACTOR, SUBCONTRACTOR, OR A PAID LEADER OF A SCHOOL ACTIVITY IS**  
5 **ARRESTED FOR A REPORTABLE OFFENSE, THE LAW ENFORCEMENT AGENCY MAKING**  
6 **THE ARREST SHALL NOTIFY, DEPENDING ON WHETHER THE EMPLOYEE OR ADULT**  
7 **WORKS FOR A LOCAL SCHOOL SYSTEM OR A NONPUBLIC SCHOOL, THE:**

8                   **(I) COUNTY SUPERINTENDENT HAVING JURISDICTION OVER**  
9 **THE EMPLOYEE OR ADULT; OR**

10                   **(II) PRINCIPAL OF THE NONPUBLIC SCHOOL WHERE THE**  
11 **EMPLOYEE OR ADULT IS EMPLOYED.**

12           **(2) THE LAW ENFORCEMENT AGENCY MAKING THE ARREST SHALL**  
13 **MAKE THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION**  
14 **WITHIN 1 BUSINESS DAY OF THE ARREST.**

15           **(C) (1) WITHIN 5 BUSINESS DAYS AFTER BEING INFORMED OF AN ARREST**  
16 **BY A LAW ENFORCEMENT AGENCY, THE COUNTY SUPERINTENDENT OR THE**  
17 **PRINCIPAL OF THE NONPUBLIC SCHOOL SHALL NOTIFY THE FOLLOWING**  
18 **INDIVIDUALS OF THE ARREST:**

19                   **(I) PARENTS OF STUDENTS WHO ATTEND ANY PUBLIC OR**  
20 **NONPUBLIC SCHOOL IN THE COUNTY WHERE THE ACCUSED INDIVIDUAL WORKED**  
21 **DURING THE SCHOOL YEAR IN WHICH THE ALLEGED INCIDENT OCCURRED; AND**

22                   **(II) EMPLOYEES OF ANY PUBLIC OR NONPUBLIC SCHOOL IN THE**  
23 **COUNTY WHERE THE ACCUSED INDIVIDUAL WORKED DURING THE SCHOOL YEAR IN**  
24 **WHICH THE ALLEGED INCIDENT OCCURRED.**

25           **(2) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS**  
26 **SUBSECTION SHALL:**

27                   **(I) DESIGNATE A CONTACT PERSON WITHIN THE LOCAL**  
28 **SCHOOL SYSTEM OR THE NONPUBLIC SCHOOL FOR PARENTS AND EMPLOYEES TO**  
29 **REPORT INCIDENTS OF ABUSE THAT MAY BE RELATED TO THE ARREST; AND**

30                   **(II) INCLUDE SUGGESTIONS FOR PARENTS ON HOW TO TALK**  
31 **WITH THEIR CHILDREN ABOUT SEXUAL ABUSE AND ASSAULT.**

1           **(3) THE NOTIFICATION REQUIRED UNDER THIS SUBSECTION MAY**  
2 **NOT NAME OR OTHERWISE IDENTIFY THE VICTIM OF THE ALLEGED OFFENSE.**

3           **(D) A COUNTY SUPERINTENDENT OR A PRINCIPAL OF A NONPUBLIC SCHOOL**  
4 **MAY DELAY THE NOTIFICATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION**  
5 **IF REQUESTED TO DO SO BY A LOCAL LAW ENFORCEMENT AGENCY OR A LOCAL**  
6 **STATE'S ATTORNEY DUE TO AN ONGOING INVESTIGATION.**

7           **(E) (1) EACH COUNTY BOARD AND EACH NONPUBLIC SCHOOL SHALL**  
8 **ENSURE THAT EMPLOYEES OF THE LOCAL SCHOOL SYSTEM OR THE NONPUBLIC**  
9 **SCHOOL RECEIVE ANNUAL TRAINING ON THE OBLIGATIONS OF EDUCATORS UNDER**  
10 **TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE.**

11           **(2) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS**  
12 **SUBSECTION SHALL:**

13                   **(I) INCLUDE TRAINING IN IDENTIFYING SIGNS OF SEXUAL**  
14 **ABUSE AND ASSAULT; AND**

15                   **(II) BE UPDATED ANNUALLY TO REFLECT ANY CHANGES IN THE**  
16 **LAW.**

17           **(F) (1) THE STATE BOARD SHALL PROVIDE ON THE STATE BOARD'S WEB**  
18 **SITE A LINK TO INFORMATION ON:**

19                   **(I) THE AWARENESS OF AND PREVENTION OF SEXUAL ABUSE**  
20 **AND ASSAULT; AND**

21                   **(II) POLICIES TO PROTECT STUDENTS FROM SEXUAL ABUSE**  
22 **AND ASSAULT, INCLUDING:**

23                           **1. INFORMATION ON LEGAL REQUIREMENTS AND**  
24 **POLICIES REGARDING EMPLOYEE, CONTRACTOR, AND VOLUNTEER SCREENINGS IN**  
25 **SCHOOLS;**

26                           **2. SIGNS OF SEXUAL ABUSE AND ASSAULT; AND**

27                           **3. INFORMATION ON HOW TO REPORT CONCERNS OF**  
28 **SEXUAL ABUSE OR ASSAULT TO THE COUNTY BOARD, SCHOOL ADMINISTRATION,**  
29 **LAW ENFORCEMENT AGENCIES, AND CHILD PROTECTIVE SERVICES IN THE SOCIAL**  
30 **SERVICES ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES.**

1           **(2) THE STATE BOARD MAY USE MATERIALS AVAILABLE FROM THE**  
2 **MARYLAND COALITION AGAINST SEXUAL ASSAULT, THE MARYLAND CHILDREN’S**  
3 **ALLIANCE, OR ANY OTHER APPROPRIATE ENTITY TO CARRY OUT THE**  
4 **REQUIREMENTS OF THIS SUBSECTION.**

5           **(3) EACH LOCAL SCHOOL SYSTEM, PUBLIC SCHOOL, AND NONPUBLIC**  
6 **SCHOOL IN THE STATE SHALL PROVIDE A LINK TO THE INFORMATION REFERRED TO**  
7 **IN PARAGRAPH (1) OF THIS SUBSECTION ON THE WEB SITE OF THE LOCAL SCHOOL**  
8 **SYSTEM, PUBLIC SCHOOL, OR NONPUBLIC SCHOOL.**

9           **(G) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE**  
10 **PROVISIONS OF THIS SECTION.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
12 1, 2015.