

BILL: House Bill 486
TITLE: Education - Personnel Matters - Child Sexual Abuse and Sexual Misconduct Prevention
DATE: February 14, 2019
POSITION: SUPPORT
COMMITTEE: Ways and Means Committee
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The Maryland Association of Boards of Education (MABE) supports House Bill 486, which would establish and define the process of determining whether an applicant for employment with a local school system has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct.”

MABE and all local boards place a very high priority on providing a well-rounded public education to students in a healthy learning environment with well-trained, professional educators, administrators, and staff dedicated to ensuring the highest degree of student safety. Based in part on several high profile heinous child sexual abuse cases perpetrated by school employees, there is now heightened awareness regarding the need to revisit longstanding practices and procedures in the hiring and, supervision, discipline and discharge of school employees based on a broad range of misconduct.

In light of amendments adopted in the 2018 session, MABE reiterates our support for requiring prospective employees to inform us of whether they have ever been “THE SUBJECT OF A CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT INVESTIGATION BY ANY EMPLOYER, STATE LICENSING AGENCY, LAW ENFORCEMENT AGENCY, OR CHILD PROTECTIVE SERVICES AGENCY, UNLESS THE INVESTIGATION RESULTED IN A FINDING THAT THE ALLEGATIONS WERE FALSE.”

In 2018, MABE supported passage of House Bill 1072 (Ch. 31) which now requires each local board of education and nonpublic school that receives State funds to require each employee to receive instruction with specified elements annually on the prevention, identification, and reporting of child sexual abuse. In addition, each local board of education must: (1) establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff that include specified elements and; (2) develop employee codes of conduct that address appropriate contact between staff and students.

Under the law passed in 2018, each local board of education must establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff regarding (1) behavior that constitutes adult perpetration; (2) reporting obligations and procedures; and (3) for staff involved in the hiring process, comprehensive screening of prospective employees.

In 2016, the General Assembly passed Erin’s Law to establish a comprehensive sexual abuse and assault awareness and prevention program (House Bill 72, Ch. 609). The law now requires the State Board of Education, local school systems, and nonpublic schools to develop and implement a program of age-appropriate education on the awareness and prevention of sexual abuse and assault. The program must be taught by teachers who are trained to provide instruction on the awareness and prevention of sexual abuse and assault and incorporated into the health curriculum of local boards of education and nonpublic schools.

Another significant law was passed in 2015 to ensure that local school system and nonpublic school contracts must prohibit contractors or subcontractors from knowingly assigning an employee to work on school premises with direct, unsupervised, and uncontrolled access to children if the employee has been convicted of specified crimes (Senate Bill 508, Ch. 180).

The law now requires contractors and subcontractors to require an employee who has direct, unsupervised, and uncontrolled access to children in specific facilities to submit to a criminal history records check. This legislation also expanded the underlying crimes for which prohibitions against the hiring, retaining, or assignment of individuals who have been convicted of specified crimes apply to include fourth-degree sexual offenses and offenses committed in another state that would constitute a third- or fourth-degree sexual offense if committed in this State.

In addition, Maryland law places a high priority on responding to the failure to report by revoking an educator's teaching certificate. In Maryland a certificated educator who fails to report even suspected child abuse under the "mandatory reporter" statute will lose their teaching certificate. State regulations, under COMAR 13A.12.05.02C(2), provide that a certificate "shall be suspended or revoked" if the certificate holder "willfully and knowingly" makes a material misrepresentation or concealment of information on the application for a certificate, including knowingly failing to report suspected child abuse.

In these ways, Maryland law has undergone important improvements in recent years to secure the highest possible degree of safety for our 900,000 public school students from the misconduct of school employees.

For these reasons, MABE requests a favorable report on House Bill 486.