

BILL: House Bill 787
TITLE: Crimes - Child Abuse and Neglect - Failure to Report
DATE: February 28, 2019
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Judiciary Committee
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The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, supports House Bill 787, with amendments to reduce the penalties and address other provisions consistent with MABE's historical support for very similar legislation. Specifically, MABE is supporting Senate Bill 568, which would provide that a violator is guilty of a misdemeanor and subject to a maximum penalty of up to six months imprisonment and/or a \$1,000 fine.

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. MABE believes that House Bill 787 would promote adherence to the law already requiring the reporting of suspected child abuse and neglect, by imposing a criminal sanction for not doing so in cases of actual knowledge of such abuse.

Maryland law has long required that health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An "educator", in the public school setting, refers to certificated employees including teachers, principals, and counselors, among others. In light of this existing statute, MABE believes House Bill 787, with amendments, would establish a reasonable criminal penalty for failure by an educator, as a "mandatory reporter", to provide the required notice and report on suspected child abuse or neglect if the employee: (1) has actual knowledge of the abuse or neglect or (2) witnesses the act of the abuse or neglect.

To be clear, in Maryland an 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, files a false report or record about a material matter in the certificate application, commits a violation of test security and data reporting policy and procedures, fraudulently or deceptively obtains a certificate, **knowingly fails to report suspected child abuse**, is dismissed or resigns after notice of allegations of misconduct involving a student in any school system or any other minor, is dismissed or resigns after notice of allegations of misconduct involving any cause for suspension or revocation of a certificate, or has had a certificate suspended, revoked, or surrendered in another state for a reason that would be grounds for suspension or revocation of a Maryland certificate."

Upon receipt of the notification from the local superintendent, the State Superintendent provides the certificate holder a copy of the charges and advises the certificate holder that they have ten days to request a hearing in writing. If the certificate holder does not request a hearing, the State Superintendent shall suspend or revoke the certificate. If a hearing is timely requested, one will be provided by an Administrative Law Judge (ALJ) from the Maryland Office of Administrative Hearings in accordance with COMAR 13A.12.05.04.

Again, MABE supports passage of House Bill 787 to strengthen the framework of protections of student safety by reinforcing the assurance that educators are actively engaged in the timely response to known instances of child abuse and neglect. For these reasons, MABE requests a favorable report on House Bill 787, with the amendments described above.