

BILL: House Bill 342
TITLE: Education - Health and Safety of Students - Notification of Problematic Sexual Behavior
POSITION: OPPOSE
DATE: January 20, 2021
COMMITTEE: Ways and Means Committee
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The Maryland Association of Boards of Education (MABE) opposes House Bill 342, which would require same-day notification to parents of students reported to be subject to inappropriate behavior.

MABE believes that State law, regulation, and local policy and procedures already address the need for prompt notification to parents and guardians of both students identified as having violated the policy or the victim of such action. The law and regulations also already appropriately ensure that sexual behavior is prominently featured in the definition of harassment. The following description is provided on the State's incident reporting form used by all local school systems:

“Conduct that is of a sexual nature is generally thought to mean actions, language or visual materials which specifically refer to, portray or involve sexual activity or language. Conduct of a sexual nature may include overt sexual solicitations, inappropriate touching, sexual jokes, and inquiries about a person's sex life. Sexual harassment is the broader term that encompasses conduct of a sexual nature such as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature. Sexual harassment also includes acts that are not overtly sexual but rather are directed at individuals based on their gender such as profanity or rude behavior that is gender-specific.”

MABE certainly recognizes the need for prompt notification to parents and guardians of incidents of harassment of a sexual nature. State policy already calls for immediate notification of parents for students involved in bullying, harassment or intimidation, a process that typically involve phone calls and requests for parent conferences. As State Policy makes clear: “It is important that school systems continue to educate staff, students, and parents about bullying, harassment, and intimidation and provide resources for bullying prevention, encourage victims to report incidents when they occur, notify parents immediately when incidents occur, and follow up with investigations.”

Beyond the context of bullying, harassment, and intimidation reporting, in 2016 the General Assembly passed Erin's Law to establish a comprehensive sexual abuse and assault awareness and prevention program. The law 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.

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. Again, MABE believes that school system policies and procedures required under the law already address the need to promptly communicate to parents and guardians the incidents of harassment of a sexual nature, which are the subject of this legislation.

For these reasons, MABE requests an unfavorable report on House Bill 342.