



Maryland State Council on Child Abuse & Neglect  
Maryland Essentials for Childhood  
311 West Saratoga Street, Room 405  
Baltimore, MD 21201

February 19, 2019

Hon. Paul G. Pinsky, Chair  
Members of the Senate Education Health and Environmental Affairs Committee  
2 West  
Miller Senate Office Building  
Annapolis, MD 21401

Re: SB 0541 / HB 0486 EDUCATION – PERSONNEL MATTERS – CHILD SEXUAL ABUSE AND SEXUAL MISCONDUCT PREVENTION

Dear Sirs:

In 2018, Maryland took a big step forward in protecting children by passing and signing HB1072 into law; which requires schools to provide policies, employee codes of conduct and annual training on the prevention, identification and reporting of child sexual abuse and sexual misconduct to all school personnel. It was an important first step to keeping our children safe in school. We thank you for your support of that legislation.

It is time to take the next critical step and pass the S.E.S.A.M.E. Act (Stop School Employee Sexual Abuse, Misconduct and Exploitation) to both prevent child sexual abuse and sexual misconduct in our schools and to protect the integrity of the education profession.

Studies have shown that as many as 1 in 10 students will be the victim of some form of sexual abuse or misconduct by a school employee by the time they graduate. In Maryland, that is almost 90,000 public school students. On average, a school employee that has been alleged to have engaged in sexual abuse or misconduct will be transferred to 3 different schools before they are reported to law enforcement.

Most people assume that school hiring practices, including background checks thoroughly vet school employees and reveal most incidents of sexual abuse or misconduct. The truth is that disciplinary action that a school may have taken against an employee related to sexual abuse or misconduct goes undetected by background checks; and, school employees punished by one school for sexual abuse or misconduct wind up right back working with students in another school. Detection becomes even more difficult when, in order to avoid public scandal and costly drawn out battle with the teacher's union, school administrators negotiate separation agreements that prohibit mention of the employee sexual abuse or misconduct to future employers. This practice, which is eerily similar to scandals in other youth serving organizations and large institutions, allows individuals credibly accused of sexual abuse and sexual misconduct to move seamlessly from job to job.

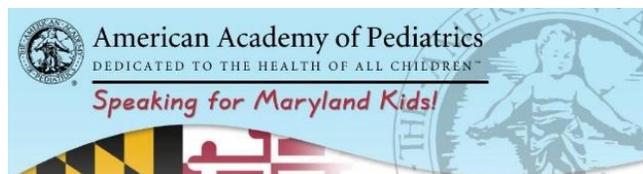
The S.E.S.A.M.E. Act seeks to change this practice through six key provisions:

1. Requires anyone applying for positions in schools—public or private—involving direct contact with minors to provide a written release and a statement disclosing whether s/he has been the subject of a child sexual abuse or sexual misconduct investigation by any employer, and whether s/he has ever resigned or separated from a position amid pending allegations of child sexual abuse or misconduct.
2. Requires the school considering the applicant to contact each of the applicant's former employers and inquire whether the applicant has been investigated for child sexual abuse or sexual misconduct, and whether the applicant resigned or separated from a position amid pending allegations of child sexual abuse or sexual misconduct.
3. Requires all contacted former employers to furnish the requested information.
4. Bans non-disclosure agreements in cases involving child sexual abuse or child sexual misconduct;
5. Prohibits schools from expunging data from personnel files in cases of employee sexual abuse or misconduct;
6. Provides immunity from civil and criminal liability to former and current employers for providing information or records, including personnel records, in good faith.

This legislation prevents school employees with a track record of disregarding laws, policies, and codes of conduct related to sexual abuse and sexual misconduct from being passed from one school to another without consequence or question.

We urge you to support the passage of the S.E.S.A.M.E. Act during the 2019 General Assembly session. By creating a system where educators and school personnel are equipped to make informed hiring decisions, and by continuing to educate all school personnel on prevention practices regarding child sexual abuse and sexual misconduct we can improve our ability to make Maryland schools safe places for our children to learn and thrive.

Sincerely,





MARYLAND  
FAMILY  
NETWORK



PARENTS' COALITION  
of Montgomery County

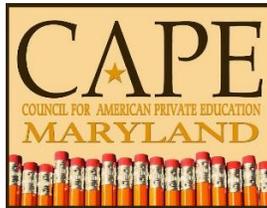


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CENTER for CHILDREN



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