

ENROLLED BILL

-- *Ways and Means/Education, Health, and Environmental Affairs* --

Introduced by **Delegates Simmons and King**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Safe Schools Reporting Act of 2005**

3 FOR the purpose of requiring the State Department of Education to require a county
4 board of education to report certain incidents against certain students;
5 authorizing certain persons to file a report regarding certain incidents;
6 requiring the State Department of Education to create a standard victim of
7 harassment or intimidation report form; providing for the contents and
8 distribution of a certain form; requiring a county board to submit summaries of
9 a certain form to the State Department of Education on or before a certain date
10 each year; requiring a county board to delete identifying information from
11 certain forms under certain circumstances; requiring the State Department of
12 Education to submit a certain report on or before a certain date each year to
13 certain committees consisting of certain information relating to victim of
14 harassment or intimidation reports filed with county boards; providing for the
15 termination of this Act; and generally relating to reporting incidents of
16 harassment or intimidation of students at public schools.

17 BY adding to

1 Article - Education
2 Section 7-421
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2004 Supplement)

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

7 **Article - Education**

8 7-421.

9 (A) IN THIS SECTION, "HARASSMENT OR INTIMIDATION" MEANS CONDUCT,
10 INCLUDING VERBAL CONDUCT, THAT:

11 (1) ~~CREATES, OR CERTAINLY WILL CREATE,~~ A HOSTILE EDUCATIONAL
12 ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL
13 BENEFITS, OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR
14 PSYCHOLOGICAL WELL-BEING AND IS:

15 (I) MOTIVATED BY AN ACTUAL OR A PERCEIVED PERSONAL
16 CHARACTERISTIC SUCH AS RACE, NATIONAL ORIGIN, MARITAL STATUS, SEX, SEXUAL
17 ORIENTATION, GENDER IDENTITY, RELIGION, OR DISABILITY; OR

18 (II) THREATENING OR SERIOUSLY INTIMIDATING; AND

19 (2) OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT,
20 OR ON A SCHOOL BUS.

21 (B) (1) THE DEPARTMENT SHALL REQUIRE A COUNTY BOARD TO REPORT
22 INCIDENTS OF HARASSMENT OR INTIMIDATION AGAINST STUDENTS ATTENDING A
23 PUBLIC SCHOOL UNDER THE JURISDICTION OF THE COUNTY BOARD.

24 (2) AN INCIDENT OF HARASSMENT OR INTIMIDATION MAY BE
25 REPORTED BY A STUDENT, OR THE PARENT, GUARDIAN, OR CLOSE ADULT RELATIVE
26 OF A STUDENT, ~~OR SCHOOL STAFF MEMBER.~~

27 (C) (1) THE DEPARTMENT SHALL CREATE A STANDARD VICTIM OF
28 HARASSMENT OR INTIMIDATION REPORT FORM.

29 (2) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM
30 SHALL:

31 (I) IDENTIFY THE VICTIM AND THE ALLEGED PERPETRATOR, IF
32 KNOWN;

33 (II) INDICATE THE AGE OF THE VICTIM AND ALLEGED
34 PERPETRATOR;

1 (III) DESCRIBE THE INCIDENT, INCLUDING ALLEGED STATEMENTS
2 MADE BY THE ALLEGED PERPETRATOR;

3 (IV) INDICATE THE LOCATION OF THE INCIDENT;

4 (V) IDENTIFY ANY PHYSICAL INJURY SUFFERED BY THE VICTIM
5 AND DESCRIBE THE SERIOUSNESS AND ANY PERMANENT EFFECTS OF THE INJURY;

6 (VI) INDICATE THE NUMBER OF DAYS A STUDENT IS ABSENT FROM
7 SCHOOL, IF ANY, AS A RESULT OF THE INCIDENT;

8 ~~(VI)~~ (VII) IDENTIFY ANY REQUEST FOR PSYCHOLOGICAL SERVICES
9 INITIATED BY THE VICTIM OR THE VICTIM'S FAMILY DUE TO PSYCHOLOGICAL
10 INJURIES SUFFERED; AND

11 ~~(VII)~~ DESCRIBE THE CORRECTIVE ACTION THE VICTIM WOULD LIKE
12 TO OCCUR; AND

13 ~~(VIII)~~ (VIII) INCLUDE INSTRUCTIONS ON HOW TO FILL OUT THE
14 FORM AND THE MAILING ADDRESS TO WHERE THE FORM SHALL BE SENT.

15 (3) A COUNTY BOARD SHALL DISTRIBUTE COPIES OF THE VICTIM OF
16 HARASSMENT OR INTIMIDATION REPORT FORM TO EACH PUBLIC SCHOOL UNDER
17 THE COUNTY BOARD'S JURISDICTION.

18 (D) (1) EACH COUNTY BOARD SHALL SUBMIT SUMMARIES OF REPORT
19 FORMS FILED WITH THE COUNTY BOARD TO THE STATE BOARD ON OR BEFORE
20 JANUARY 31 EACH YEAR.

21 (2) A COUNTY BOARD SHALL DELETE ANY INFORMATION THAT
22 IDENTIFIES AN INDIVIDUAL.

23 (E) (1) THE DEPARTMENT SHALL SUBMIT A REPORT ON OR BEFORE MARCH
24 31 EACH YEAR TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL
25 AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, IN
26 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, CONSISTING OF
27 A SUMMARY OF THE INFORMATION INCLUDED IN THE VICTIM OF HARASSMENT OR
28 INTIMIDATION REPORT FORMS FILED WITH THE COUNTY BOARDS THE PREVIOUS
29 YEAR.

30 (2) THE REPORT SUBMITTED BY THE DEPARTMENT SHALL INCLUDE, TO
31 THE EXTENT FEASIBLE:

32 (I) A DESCRIPTION OF THE ACT CONSTITUTING THE HARASSMENT
33 OR INTIMIDATION;

34 (II) THE AGE OF THE VICTIM AND ALLEGED PERPETRATOR;

35 (III) THE ALLEGATION OF THE ALLEGED PERPETRATOR'S MOTIVE;

1 (IV) A DESCRIPTION OF THE INVESTIGATION OF THE COMPLAINT
2 AND ANY CORRECTIVE ACTION TAKEN BY THE APPROPRIATE SCHOOL AUTHORITIES;
3 ~~AND~~

4 (V) THE NUMBER OF DAYS A STUDENT IS ABSENT FROM SCHOOL,
5 IF ANY, AS A RESULT OF THE INCIDENT; AND

6 ~~(V)~~ (VI) THE NUMBER OF FALSE ALLEGATIONS REPORTED.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect July 1, 2005. It shall remain effective for a period of 4 years and, at the end of
9 June 30, 2009, with no further action required by the General Assembly, this Act shall
10 be abrogated and of no further force and effect.