
By: **Delegates Simmons and King**
Introduced and read first time: January 31, 2005
Assigned to: Ways and Means

A BILL ENTITLED

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
18 Article - Education
19 Section 7-421
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2004 Supplement)

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

24 **Article - Education**

25 7-421.

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

28 (1) CREATES, OR CERTAINLY WILL CREATE, A HOSTILE EDUCATIONAL
29 ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL

1 BENEFITS, OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR
2 PSYCHOLOGICAL WELL-BEING AND IS:

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

6 (II) THREATENING OR SERIOUSLY INTIMIDATING; AND

7 (2) OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT,
8 OR ON A SCHOOL BUS.

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

12 (2) AN INCIDENT OF HARASSMENT OR INTIMIDATION MAY BE
13 REPORTED BY A STUDENT, THE PARENT, GUARDIAN, OR CLOSE ADULT RELATIVE OF
14 A STUDENT, OR SCHOOL STAFF MEMBER.

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

17 (2) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM
18 SHALL:

19 (I) IDENTIFY THE VICTIM AND THE ALLEGED PERPETRATOR, IF
20 KNOWN;

21 (II) INDICATE THE AGE OF THE VICTIM AND ALLEGED
22 PERPETRATOR;

23 (III) DESCRIBE THE INCIDENT, INCLUDING ALLEGED STATEMENTS
24 MADE BY THE ALLEGED PERPETRATOR;

25 (IV) INDICATE THE LOCATION OF THE INCIDENT;

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

28 (VI) IDENTIFY ANY REQUEST FOR PSYCHOLOGICAL SERVICES
29 INITIATED BY THE VICTIM OR THE VICTIM'S FAMILY DUE TO PSYCHOLOGICAL
30 INJURIES SUFFERED;

31 (VII) DESCRIBE THE CORRECTIVE ACTION THE VICTIM WOULD LIKE
32 TO OCCUR; AND

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

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

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

7 (2) A COUNTY BOARD SHALL DELETE ANY INFORMATION THAT
8 IDENTIFIES AN INDIVIDUAL.

9 (E) (1) THE DEPARTMENT SHALL SUBMIT A REPORT ON OR BEFORE MARCH
10 31 EACH YEAR TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL
11 AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, IN
12 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, CONSISTING OF
13 A SUMMARY OF THE INFORMATION INCLUDED IN THE VICTIM OF HARASSMENT OR
14 INTIMIDATION REPORT FORMS FILED WITH THE COUNTY BOARDS THE PREVIOUS
15 YEAR.

16 (2) THE REPORT SUBMITTED BY THE DEPARTMENT SHALL INCLUDE, TO
17 THE EXTENT FEASIBLE:

18 (I) A DESCRIPTION OF THE ACT CONSTITUTING THE HARASSMENT
19 OR INTIMIDATION;

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

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

22 (IV) A DESCRIPTION OF THE INVESTIGATION OF THE COMPLAINT
23 AND ANY CORRECTIVE ACTION TAKEN BY THE APPROPRIATE SCHOOL AUTHORITIES;
24 AND

25 (V) THE NUMBER OF FALSE ALLEGATIONS REPORTED.

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