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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2005

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
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:

1

Article - Education

2 7-421.

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

5 (1) CREATES, OR CERTAINLY WILL CREATE, A HOSTILE EDUCATIONAL
6 ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL
7 BENEFITS, OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR
8 PSYCHOLOGICAL WELL-BEING AND IS:

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

12 (II) THREATENING OR SERIOUSLY INTIMIDATING; AND

13 (2) OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT,
14 OR ON A SCHOOL BUS.

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

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

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

23 (2) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM
24 SHALL:

25 (I) IDENTIFY THE VICTIM AND THE ALLEGED PERPETRATOR, IF
26 KNOWN;

27 (II) INDICATE THE AGE OF THE VICTIM AND ALLEGED
28 PERPETRATOR;

29 (III) DESCRIBE THE INCIDENT, INCLUDING ALLEGED STATEMENTS
30 MADE BY THE ALLEGED PERPETRATOR;

31 (IV) INDICATE THE LOCATION OF THE INCIDENT;

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

1 (VI) IDENTIFY ANY REQUEST FOR PSYCHOLOGICAL SERVICES
2 INITIATED BY THE VICTIM OR THE VICTIM'S FAMILY DUE TO PSYCHOLOGICAL
3 INJURIES SUFFERED; AND

4 (VII) ~~DESCRIBE THE CORRECTIVE ACTION THE VICTIM WOULD LIKE~~
5 ~~TO OCCUR; AND~~

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

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

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

14 (2) A COUNTY BOARD SHALL DELETE ANY INFORMATION THAT
15 IDENTIFIES AN INDIVIDUAL.

16 (E) (1) THE DEPARTMENT SHALL SUBMIT A REPORT ON OR BEFORE MARCH
17 31 EACH YEAR TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL
18 AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, IN
19 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, CONSISTING OF
20 A SUMMARY OF THE INFORMATION INCLUDED IN THE VICTIM OF HARASSMENT OR
21 INTIMIDATION REPORT FORMS FILED WITH THE COUNTY BOARDS THE PREVIOUS
22 YEAR.

23 (2) THE REPORT SUBMITTED BY THE DEPARTMENT SHALL INCLUDE, TO
24 THE EXTENT FEASIBLE:

25 (I) A DESCRIPTION OF THE ACT CONSTITUTING THE HARASSMENT
26 OR INTIMIDATION;

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

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

29 (IV) A DESCRIPTION OF THE INVESTIGATION OF THE COMPLAINT
30 AND ANY CORRECTIVE ACTION TAKEN BY THE APPROPRIATE SCHOOL AUTHORITIES;
31 AND

32 (V) THE NUMBER OF FALSE ALLEGATIONS REPORTED.

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

