

## **CHAPTER 398**

**(House Bill 383)**

AN ACT concerning

### **Education – Safe Schools – Reporting Incidents of Harassment or Intimidation**

FOR the purpose of requiring that the information contained in a certain form relating to harassment or intimidation in schools be kept confidential with certain exceptions; providing that certain information is not a part of a student's permanent educational record; and generally relating to the reporting of incidents of harassment or intimidation in schools.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–424  
Annotated Code of Maryland  
(2006 Replacement Volume)

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

#### **Article – Education**

7–424.

(a) In this section, “harassment or intimidation” means conduct, including verbal conduct, that:

(1) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

(i) Motivated by an actual or a perceived personal characteristic such as race, national origin, marital status, sex, sexual orientation, gender identity, religion, or disability; or

(ii) Threatening or seriously intimidating; and

(2) Occurs on school property, at a school activity or event, or on a school bus.

(b) (1) The Department shall require a county board to report incidents of harassment or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of harassment or intimidation may be reported by a student or the parent, guardian, or close adult relative of a student.

(c) (1) The Department shall create a standard victim of harassment or intimidation report form.

(2) Each victim of harassment or intimidation report form shall:

(i) Identify the victim and the alleged perpetrator, if known;

(ii) Indicate the age of the victim and alleged perpetrator;

(iii) Describe the incident, including alleged statements made by the alleged perpetrator;

(iv) Indicate the location of the incident;

(v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;

(vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;

(vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and

(viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of harassment or intimidation report form to each public school under the county board's jurisdiction.

(d) (1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

**(E) THE INFORMATION CONTAINED IN A VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION:**

**(1) IS CONFIDENTIAL AND MAY NOT BE REDISCLOSED EXCEPT AS OTHERWISE PROVIDED UNDER THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT OR THIS SECTION; AND**

**(2) MAY NOT BE MADE A PART OF A STUDENT'S PERMANENT EDUCATIONAL RECORD.**

[(e)] **(F)** (1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1246 of the State Government Article, consisting of a summary of the information included in the victim of harassment or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:

(i) A description of the act constituting the harassment or intimidation;

(ii) The age of the victim and alleged perpetrator;

(iii) The allegation of the alleged perpetrator's motive;

(iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;

(v) The number of days a student is absent from school, if any, as a result of the incident; and

(vi) The number of false allegations reported.

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007.**

**Approved by the Governor, May 8, 2007.**