

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE

House Bill 383  
Ways and Means

(Delegate N. King, *et al.*)

Education, Health, and Environmental  
Affairs

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Education - Safe Schools - Reporting Incidents of Harassment or Intimidation

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This bill provides that information in a victim of harassment or intimidation report form is confidential and may not be made part of a student's permanent educational record. Information in the forms may only be redisclosed under the federal Family Education Rights and Privacy Act (FERPA) or as necessary to meet the reporting requirements associated with the forms.

The bill takes effect July 1, 2007.

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Fiscal Summary

**State Effect:** Maintaining the confidentiality of victim of harassment or intimidation report forms submitted to the Maryland State Department of Education (MSDE) would not affect State finances.

**Local Effect:** Any additional administrative responsibilities for local school systems could be met with existing personnel and resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** Standard victim of harassment or intimidation report forms are created by MSDE and distributed to local public schools. A student or the parent, guardian, or close adult relative of a student may report an incident of harassment or intimidation on the

form. Each local board of education must submit summaries of the report forms that have been filed with the board, deleting any information that identifies an individual. MSDE must report annually on the forms it receives from local boards of education.

The standard victim of harassment or intimidation report form created by MSDE states that confidentiality must be maintained in accordance with FERPA. There are no instructions on the form relating to the holding of a form as part of a student's permanent record.

**Background:** The Safe Schools Reporting Act of 2005 (Chapter 547) requires MSDE and local school systems to track incidents of harassment and intimidation through standard reporting forms completed by students and their parents or guardians. The first statewide report required by the Act was released in March 2006 and included over 1,000 reported incidents from the first half of the 2005-2006 school year, a number that represented 1.4 reports per 1,000 enrolled students. Reported incidents spiked during middle school years, and nearly one-third of the incidents involved a physical attack. The report suggests that the number of reported incidents of harassment and intimidation is not representative of the extent of the bullying problem. The next report, which will cover a full year of incidents, is due March 31, 2007.

FERPA gives parents the following rights with respect to their children's educational records:

- parents have the right to inspect their children's educational records;
- parents have the right to request that schools correct inaccuracies in their children's educational records; and
- with some specified exceptions, schools must have written permission from parents to release any information from their children's educational records.

When a child turns 18, these rights transfer to the child.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2007  
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