

# HOUSE BILL 812

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CF SB 617

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By: **Delegates Kramer, Dumais, Howard, Hucker, Luedtke, Reznik, Simmons, Valderrama, and Waldstreicher**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Schools – Dating Violence – Policy and Disciplinary Standards**

3 FOR the purpose of adding dating violence to provisions of law requiring the reporting  
4 of incidents of certain other conduct by a county board of education; altering the  
5 content of a certain form and report, policies, and educational programs to  
6 include incidents of dating violence; requiring the State Board of Education to  
7 develop, by a certain date, a certain model policy that includes a prohibition on  
8 dating violence; altering the date by which each county board is required to  
9 submit a certain policy to the State Superintendent of Schools; altering certain  
10 provisions of law granting certain immunity to certain school employees;  
11 altering certain provisions of law relating to the legal rights of certain victims;  
12 defining certain terms; and generally relating to dating violence in the public  
13 schools.

14 BY repealing and reenacting, with amendments,  
15 Article – Education  
16 Section 7–424 and 7–424.1  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2010 Supplement)

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

21 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 7-424.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Bullying, harassment, or intimidation” means intentional conduct,  
4 including verbal, physical, or written conduct, or an intentional electronic  
5 communication, that:

6 (i) Creates a hostile educational environment by substantially  
7 interfering with a student’s educational benefits, opportunities, or performance, or  
8 with a student’s physical or psychological well-being and is:

9 1. Motivated by an actual or a perceived personal  
10 characteristic including race, national origin, marital status, sex, sexual orientation,  
11 gender identity, religion, ancestry, physical attributes, socioeconomic status, familial  
12 status, or physical or mental ability or disability; or

13 2. Threatening or seriously intimidating; and

14 (ii) 1. Occurs on school property, at a school activity or  
15 event, or on a school bus; or

16 2. Substantially disrupts the orderly operation of a  
17 school.

18 (3) **“DATING PARTNER” MEANS ANY PERSON, REGARDLESS OF**  
19 **GENDER, INVOLVED IN AN INTIMATE RELATIONSHIP WITH ANOTHER THAT IS**  
20 **PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE**  
21 **INVOLVEMENT, WHETHER CASUAL, SERIOUS, OR LONG-TERM.**

22 (4) **“DATING VIOLENCE” MEANS A PATTERN OF BEHAVIOR IN**  
23 **WHICH ONE PERSON USES THE THREATS OF, OR ACTUALLY USES, PHYSICAL,**  
24 **SEXUAL, VERBAL, OR EMOTIONAL ABUSE TO CONTROL THE PERSON’S DATING**  
25 **PARTNER.**

26 [(3)] (5) “Electronic communication” means a communication  
27 transmitted by means of an electronic device, including a telephone, cellular phone,  
28 computer, or pager.

29 (b) (1) The Department shall require a county board to report incidents of  
30 bullying, **DATING VIOLENCE**, harassment, or intimidation against students attending  
31 a public school under the jurisdiction of the county board.

32 (2) An incident of bullying, **DATING VIOLENCE**, harassment, or  
33 intimidation may be reported by:

- 1 (i) A student;
- 2 (ii) The parent, guardian, or close adult relative of a student; or
- 3 (iii) A school staff member.
- 4 (c) (1) The Department shall create a standard victim of bullying,  
5 **DATING VIOLENCE**, harassment, or intimidation report form.
- 6 (2) Each victim of bullying, **DATING VIOLENCE**, harassment, or  
7 intimidation report form shall:
- 8 (i) Identify the victim and the alleged perpetrator, if known;
- 9 (ii) Indicate the age of the victim and alleged perpetrator;
- 10 (iii) Describe the incident, including alleged statements made by  
11 the alleged perpetrator;
- 12 (iv) Indicate the location of the incident;
- 13 (v) Identify any physical injury suffered by the victim and  
14 describe the seriousness and any permanent effects of the injury;
- 15 (vi) Indicate the number of days a student is absent from school,  
16 if any, as a result of the incident;
- 17 (vii) Identify any request for psychological services initiated by  
18 the victim or the victim's family due to psychological injuries suffered; and
- 19 (viii) Include instructions on how to fill out the form and the  
20 mailing address to where the form shall be sent.
- 21 (3) A county board shall distribute copies of the victim of bullying,  
22 **DATING VIOLENCE**, harassment, or intimidation report form to each public school  
23 under the county board's jurisdiction.
- 24 (d) (1) Each county board shall submit summaries of report forms filed  
25 with the county board to the State Board on or before January 31 each year.
- 26 (2) A county board shall delete any information that identifies an  
27 individual.
- 28 (e) The information contained in a victim of bullying, **DATING VIOLENCE**,  
29 harassment, or intimidation report form in accordance with subsection (c) of this  
30 section:

1 (1) Is confidential and may not be redisclosed except as otherwise  
2 provided under the Family Education Rights and Privacy Act or this section; and

3 (2) May not be made a part of a student's permanent educational  
4 record.

5 (f) (1) The Department shall submit a report on or before March 31 each  
6 year to the Senate Education, Health, and Environmental Affairs Committee and the  
7 House Ways and Means Committee, in accordance with § 2-1246 of the State  
8 Government Article, consisting of a summary of the information included in the victim  
9 of bullying, **DATING VIOLENCE**, harassment, or intimidation report forms filed with  
10 the county boards the previous year.

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

13 (i) A description of the act constituting the bullying, **DATING**  
14 **VIOLENCE**, harassment, or intimidation;

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

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

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

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

21 (vi) The number of false allegations reported.

22 7-424.1.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) "Bullying, **DATING VIOLENCE**, harassment, or intimidation"  
25 means intentional conduct, including verbal, physical, or written conduct, or an  
26 intentional electronic communication, that:

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

30 1. Motivated by an actual or a perceived personal  
31 characteristic including race, national origin, marital status, sex, sexual orientation,

1 gender identity, religion, ancestry, physical attribute, socioeconomic status, familial  
2 status, or physical or mental ability or disability; or

3                                   2.     Threatening or seriously intimidating; and

4                                 (ii)    1.     Occurs on school property, at a school activity or  
5 event, or on a school bus; or

6                                   2.     Substantially disrupts the orderly operation of a  
7 school.

8                                 (3)    “**DATING PARTNER**” MEANS ANY PERSON, REGARDLESS OF  
9 GENDER, INVOLVED IN AN INTIMATE RELATIONSHIP WITH ANOTHER THAT IS  
10 PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE  
11 INVOLVEMENT, WHETHER CASUAL, SERIOUS, OR LONG-TERM.

12                                (4)    “**DATING VIOLENCE**” MEANS A PATTERN OF BEHAVIOR IN  
13 WHICH ONE PERSON USES THE THREATS OF, OR ACTUALLY USES, PHYSICAL,  
14 SEXUAL, VERBAL, OR EMOTIONAL ABUSE TO CONTROL THE PERSON’S DATING  
15 PARTNER.

16                                [(3)] (5)   “Electronic communication” means a communication  
17 transmitted by means of an electronic device, including a telephone, cellular phone,  
18 computer, or pager.

19                                (b)    (1)    By March 31, [2009] **2012**, the State Board, after consultation  
20 with and input from local school systems, shall develop a model policy prohibiting  
21 bullying, **DATING VIOLENCE**, harassment, or intimidation in schools.

22                                       (2)    The model policy developed under paragraph (1) of this subsection  
23 shall include:

24   (i)    A statement prohibiting bullying, **DATING VIOLENCE**,  
25 harassment, and intimidation in schools;

26   (ii)   A statement prohibiting reprisal or retaliation against  
27 individuals who report acts of bullying, **DATING VIOLENCE**, harassment, or  
28 intimidation;

29   (iii)  A definition of bullying, **DATING VIOLENCE**, harassment, or  
30 intimidation that is either the same as set forth in subsection (a)(2) of this section or a  
31 definition that is not less inclusive than that definition;

32   (iv)   Standard consequences and remedial actions for persons  
33 committing acts of bullying, **DATING VIOLENCE**, harassment, or intimidation and for  
34 persons engaged in reprisal or retaliation;

1 (v) Standard consequences and remedial actions for persons  
2 found to have made false accusations;

3 (vi) Model procedures for reporting acts of bullying, **DATING**  
4 **VIOLENCE**, harassment, and intimidation;

5 (vii) Model procedures for the prompt investigation of acts of  
6 bullying, **DATING VIOLENCE**, harassment, and intimidation;

7 (viii) Information about the types of support services available to  
8 the student bully, victim, and any bystanders; and

9 (ix) Information regarding the availability and use of the  
10 bullying, **DATING VIOLENCE**, harassment, or intimidation form under § 7-424 of this  
11 subtitle.

12 (c) (1) Each county board shall establish a policy prohibiting bullying,  
13 **DATING VIOLENCE**, harassment, or intimidation at school based on the model policy.

14 (2) The policy shall address the components of the model policy  
15 specified in subsection (b)(2) of this section.

16 (3) A county board shall develop the policy in consultation with  
17 representatives of the following groups:

18 (i) Parents or guardians of students;

19 (ii) School employees and administrators;

20 (iii) School volunteers;

21 (iv) Students; and

22 (v) Members of the community.

23 (d) Each county board shall publicize its policy in student handbooks, school  
24 system websites, and any other location or venue the county board determines is  
25 necessary or appropriate.

26 (e) Each county board policy shall include information on the procedure for  
27 reporting incidents of bullying, **DATING VIOLENCE**, harassment, or intimidation,  
28 including:

29 (1) A chain of command in the reporting process; and

1 (2) The name and contact information for an employee of the  
2 Department, designated by the Department, who is familiar with the reporting and  
3 investigation procedures in the applicable school system.

4 (f) Each county board shall submit its policy to the State Superintendent by  
5 July 1, ~~2009~~ 2012.

6 (g) Each county board shall develop the following educational programs in its  
7 efforts to prevent bullying, **DATING VIOLENCE**, harassment, and intimidation in  
8 schools:

9 (1) An educational bullying, **DATING VIOLENCE**, harassment, and  
10 intimidation prevention program for students, staff, volunteers, and parents; and

11 (2) A teacher and administrator development program that trains  
12 teachers and administrators to implement the policy.

13 (h) (1) A school employee who reports an act of bullying, **DATING**  
14 **VIOLENCE**, harassment, or intimidation under this section in accordance with the  
15 county board's policy established under subsection (c) of this section is not civilly liable  
16 for any act or omission in reporting or failing to report an act of bullying, **DATING**  
17 **VIOLENCE**, harassment, or intimidation under this section.

18 (2) The provisions of this section may not be construed to limit the  
19 legal rights of a victim of bullying, **DATING VIOLENCE**, harassment, or intimidation.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 July 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.