

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 863 (Senator Manno, *et al.*)
Education, Health, and Environmental Affairs

Public Schools - Dating Violence - Kristen Marie Mitchell Law

This bill adds “dating violence” to the list of incidents that must be reported by a local board of education to the Maryland State Department of Education (MSDE). Similar to current requirements for bullying, harassment, and intimidation, an incident of dating violence may be reported by a student, parent, guardian, or close relative of a student, or a school staff member. MSDE must create a standard form for victims of dating violence, and by March 31, 2013, the State Board of Education, in consultation with the local school systems, must include dating violence in its model policy prohibiting bullying, harassment, and intimidation. Local boards of education are required to update their policies to include dating violence based on the State board policy and must develop educational materials to prevent dating violence in schools.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: The State Board of Education can update its model policy to include dating violence, and related report forms and spreadsheets can be updated with existing MSDE personnel and resources.

Local Effect: Local school system costs may increase minimally in FY 2013 to update bullying, harassment, and intimidation policies to include dating violence.

Small Business Effect: None.

Analysis

Bill Summary: “Dating partner” is defined as any person, regardless of gender, involved in an intimate relationship with another that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term. “Dating violence” is defined as a pattern of behavior in which one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control a dating partner.

The model policy developed by the State Board of Education must include procedures for reporting dating violence, investigating reports of dating violence, and disciplining students who have violated school dating violence policies. The model policy also has to include information about the support services available to students involved in or witnessing dating violence and information about the availability and use of the standard dating violence report forms developed by MSDE.

Policies established by local boards of education must be developed in consultation with students, the parents and guardians of students, school personnel, school volunteers, and members of the community. A chain of command in the dating violence reporting process has to be included in each local policy, along with the name and contact information for someone at MSDE who is familiar with dating violence reporting and investigation procedures in the applicable school system. Copies of local policies must be included in student handbooks and posted on school system websites. A school employee who reports an act of dating violence in accordance with the local board’s policy is not civilly liable for any act or omission in reporting or failing to report an act of dating violence.

In addition, local boards of education must develop educational programs for students, staff, volunteers, and parents as well as professional development programs that train teachers and administrators to implement the local policies.

Current Law/Background: Chapter 489 of 2008 required the State Board of Education to develop a model policy to prohibit bullying, harassment, and intimidation in consultation with local school systems. Using the State board’s model policy, local boards of education were required to establish policies prohibiting bullying, harassment, and intimidation and to develop educational materials to prevent bullying in schools. Chapter 547 of 2005 required local boards of education to report incidents of harassment or intimidation against public school students. MSDE was required to develop report forms on which students, parents, or other adults could record the incidents.

In 2011, MSDE advised that the health education voluntary State curriculum includes a framework that addresses healthy relationships and domestic violence. The Department of Human Resources advised that rape crisis centers provide prevention education and

awareness programs in their local communities, including schools. Dating violence is addressed under these circumstances, not only with students from elementary to high school, but also with parents, teachers, and other professionals.

Local Expenditures: For local school systems that do not currently include dating violence in their bullying policy, costs increase minimally to update report forms and to train teachers, parents, and students in the updated policy.

Additional Information

Prior Introductions: SB 617 of 2011 received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, HB 812, passed the House with amendments but received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: HB 1110 (Delegate Kramer, *et al.*) - Ways and Means.

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

Fiscal Note History: First Reader - February 27, 2012
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