

HOUSE BILL 51

F1

4lr0321

(PRE-FILED)

By: **Delegate Cardin**

Requested: June 5, 2013

Introduced and read first time: January 8, 2014

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Boards of Education – Bullying Hotlines and Tip Boxes**

3 FOR the purpose of requiring each county board of education to establish a toll-free
4 bullying hotline; establishing the purpose of the bullying hotline; requiring each
5 county board of education to publicize the bullying hotline in certain locations
6 and venues; requiring the completion of a victim of bullying, harassment, or
7 intimidation report form on receipt of a report of an act of bullying, harassment,
8 or intimidation on a bullying hotline; establishing that information received
9 through a bullying hotline is confidential and may not be made a part of a
10 student's permanent educational record; requiring a certain model policy to
11 include information regarding the availability and use of a bullying hotline;
12 requiring each county board of education to distribute to each public school a
13 certain bullying tip box; establishing the purpose of the tip box; requiring each
14 county board of education to publicize the tip box in certain locations and
15 venues; requiring the completion of a victim of bullying, harassment, or
16 intimidation report form on receipt of a report of an act of bullying, harassment,
17 or intimidation from a tip box; establishing that information received through a
18 tip box is confidential and may not be made a part of a student's permanent
19 educational record; requiring a certain model policy to include information
20 regarding the availability and use of a bullying tip box; and generally relating to
21 the establishment of bullying hotlines and the distribution of bullying tip boxes.

22 BY repealing and reenacting, with amendments,
23 Article – Education
24 Section 7-424 and 7-424.1(b)
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Education**

2 7–424.

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

4 (2) “Bullying, harassment, or intimidation” means intentional conduct,
5 including verbal, physical, or written conduct, or an intentional electronic
6 communication, that:7 (i) Creates a hostile educational environment by substantially
8 interfering with a student’s educational benefits, opportunities, or performance, or
9 with a student’s physical or psychological well-being and is:10 1. Motivated by an actual or a perceived personal
11 characteristic including race, national origin, marital status, sex, sexual orientation,
12 gender identity, religion, ancestry, physical attributes, socioeconomic status, familial
13 status, or physical or mental ability or disability; or

14 2. Threatening or seriously intimidating; and

15 (ii) 1. Occurs on school property, at a school activity or
16 event, or on a school bus; or17 2. Substantially disrupts the orderly operation of a
18 school.19 (3) “Electronic communication” means a communication transmitted
20 by means of an electronic device, including a telephone, cellular phone, computer, or
21 pager.22 (b) (1) The Department shall require a county board to report incidents of
23 bullying, harassment, or intimidation against students attending a public school under
24 the jurisdiction of the county board.25 (2) An incident of bullying, harassment, or intimidation may be
26 reported by:

27 (i) A student;

28 (ii) The parent, guardian, or close adult relative of a student; or

29 (iii) A school staff member.

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

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

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

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

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

7 (iv) Indicate the location of the incident;

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

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

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

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

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

19 **(D) (1) EACH COUNTY BOARD SHALL ESTABLISH A TOLL-FREE**
20 **BULLYING HOTLINE THAT:**

21 **(I) OPERATES DURING REGULAR BUSINESS HOURS; AND**

22 **(II) ALLOWS CALLERS TO LEAVE A MESSAGE DURING**
23 **NONBUSINESS HOURS.**

24 **(2) THE PURPOSE OF THE BULLYING HOTLINE IS FOR A STUDENT,**
25 **OR PARENT, GUARDIAN, OR CLOSE ADULT RELATIVE OF A STUDENT, OR A**
26 **SCHOOL STAFF MEMBER TO REPORT ACTS OF BULLYING, HARASSMENT, OR**
27 **INTIMIDATION.**

28 **(3) EACH COUNTY BOARD SHALL PUBLICIZE THE BULLYING**
29 **HOTLINE IN STUDENT HANDBOOKS, SCHOOL SYSTEM WEB SITES, AND ANY**
30 **OTHER LOCATION OR VENUE THE COUNTY BOARD DETERMINES IS NECESSARY**
31 **OR APPROPRIATE.**

1 **(4) ON RECEIPT OF A REPORT OF AN ACT OF BULLYING,**
2 **HARASSMENT, OR INTIMIDATION ON THE BULLYING HOTLINE, A VICTIM OF**
3 **BULLYING, HARASSMENT, OR INTIMIDATION REPORT FORM IN ACCORDANCE**
4 **WITH SUBSECTION (C) OF THIS SECTION SHALL BE COMPLETED.**

5 **(E) (1) EACH COUNTY BOARD SHALL DISTRIBUTE TO EACH PUBLIC**
6 **SCHOOL A TIP BOX TO ALLOW A STUDENT, A PARENT, GUARDIAN, OR CLOSE**
7 **ADULT RELATIVE OF A STUDENT, OR A SCHOOL STAFF MEMBER TO**
8 **ANONYMOUSLY REPORT AN INCIDENT OF BULLYING, HARASSMENT, OR**
9 **INTIMIDATION OF THE STUDENT.**

10 **(2) EACH COUNTY BOARD SHALL PUBLICIZE THE TIP BOX IN**
11 **STUDENT HANDBOOKS, SCHOOL SYSTEM WEB SITES, AND ANY OTHER LOCATION**
12 **OR VENUE THE COUNTY BOARD DETERMINES IS NECESSARY OR APPROPRIATE.**

13 **(3) ON RECEIPT OF A REPORT OF AN ACT OF BULLYING,**
14 **HARASSMENT, OR INTIMIDATION FROM THE TIP BOX, A VICTIM OF BULLYING,**
15 **HARASSMENT, OR INTIMIDATION REPORT FORM SHALL BE COMPLETED IN**
16 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

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

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

21 **[(e)] (G) The information contained in a victim of bullying, harassment, or**
22 **intimidation report form in accordance with subsection (c) of this section, RECEIVED**
23 **THROUGH A BULLYING HOTLINE ESTABLISHED IN ACCORDANCE WITH**
24 **SUBSECTION (D) OF THIS SECTION, OR RECEIVED FROM A BULLYING TIP BOX IN**
25 **ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION:**

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

28 **(2) May not be made a part of a student's permanent educational**
29 **record.**

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

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

3 (i) A description of the act constituting the bullying,
4 harassment, or intimidation;

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

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

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

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

11 (vi) The number of false allegations reported.

12 7-424.1.

13 (b) (1) By March 31, 2009, the State Board, after consultation with and
14 input from local school systems, shall develop a model policy prohibiting bullying,
15 harassment, or intimidation in schools.

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

18 (i) A statement prohibiting bullying, harassment, and
19 intimidation in schools;

20 (ii) A statement prohibiting reprisal or retaliation against
21 individuals who report acts of bullying, harassment, or intimidation;

22 (iii) A definition of bullying, harassment, or intimidation that is
23 either the same as set forth in subsection (a)(2) of this section or a definition that is
24 not less inclusive than that definition;

25 (iv) Standard consequences and remedial actions for persons
26 committing acts of bullying, harassment, or intimidation and for persons engaged in
27 reprisal or retaliation;

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

30 (vi) Model procedures for reporting acts of bullying, harassment,
31 and intimidation;

1 (vii) Model procedures for the prompt investigation of acts of
2 bullying, harassment, and intimidation;

3 (viii) Information about the types of support services available to
4 the student bully, victim, and any bystanders; [and]

5 (ix) Information regarding the availability and use of the
6 bullying, harassment, or intimidation form under § 7-424 of this subtitle;

7 **(X) INFORMATION REGARDING THE AVAILABILITY AND USE**
8 **OF THE BULLYING HOTLINE UNDER § 7-424 OF THIS SUBTITLE; AND**

9 **(XI) INFORMATION REGARDING THE AVAILABILITY AND USE**
10 **OF AN ANONYMOUS BULLYING TIP BOX IN EACH PUBLIC SCHOOL UNDER § 7-424**
11 **OF THIS SUBTITLE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2014.