

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 365
Ways and Means

(Delegate Jackson, *et al.*)

Education, Health, and Environmental Affairs

Public Schools - Bullying, Harassment, and Intimidation Policies - Update

This bill requires the State Board of Education, after consultation with local school systems, to update its model bullying, harassment, or intimidation policy by September 1, 2016, and every five years thereafter. Each local board of education must then update its policy based on the State board's update of the model policy and submit it to the State Superintendent of Schools by January 1, 2017, and every five years thereafter. The definition of "electronic communication" in reference to the model bullying, harassment, or intimidation policy specifically includes a social media communication.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: The State Board of Education with the Maryland State Department of Education (MSDE) can update the model bullying, harassment, or intimidation policy every five years using existing resources.

Local Effect: Local school systems can update their policies every five years using existing resources.

Small Business Effect: None.

Analysis

Current Law: "Electronic communication" is defined as a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

MSDE must require each local board of education to report incidents of harassment or intimidation against public school students that occur on public school property, at school activities or events, or on school buses. An incident of harassment or intimidation may be reported by a student or the parent, guardian, or close adult relative of a student. MSDE was required to develop a standard Victim of Harassment or Intimidation Report Form that includes specific information about an incident, and local boards of education must distribute copies of the forms to each public school. Local boards must submit completed forms to the State Board of Education, and MSDE must report annually on the forms received.

Chapter 489 of 2008 required the State Board of Education to develop a model policy that prohibits bullying, harassment, and intimidation in schools. Using the model policy, local boards of education were required to develop policies for the public schools under their jurisdiction.

In addition to a definition of bullying, harassment, or intimidation and a rule prohibiting bullying and retaliation against individuals who report acts of bullying, the model policy developed by the State Board of Education was required to include procedures for reporting bullying, investigating reports of bullying, and disciplining students who have violated school bullying policies. The model policy also includes information about the support services available to students involved in or witnessing bullying and information about the availability and use of the standard bullying report forms developed by MSDE.

Policies established by local boards of education were required to be developed by July 1, 2009, 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 bullying 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 bullying 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 bullying, harassment, or intimidation 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 bullying, harassment, or intimidation.

In addition, local boards of education were required to 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.

Background: The American Psychological Association (APA) defines bullying as “aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words or more subtle actions.” APA notes that individuals engaging in bullying behavior are generally more

likely to exhibit other antisocial behaviors and that the victims of bullying often suffer from loneliness, insecurity, and thoughts of suicide. Various sources indicate that bullying incidents typically peak during middle school years.

To address and prevent bullying, Maryland adopted the Safe Schools Reporting Act of 2005 (Chapter 547), which requires a uniform reporting form to be available in public schools to victims of bullying and requires annual reports from MSDE on the incidence of harassment and intimidation. As shown in **Exhibit 1**, the rate of reported incidents per 1,000 students ranged from 2.6 in Harford County to 29.8 in Kent County in the 2013-2014 school year; however, the report theorizes that the wide range in reporting rates is a result of greater levels of bullying awareness in some school systems and the varied means of distributing the reporting form in local school systems.

Exhibit 1
Number of Reported Incidents of Harassment and Intimidation
2013-2014 School Year

| <u>Local School System</u> | <u>Incidents per 1,000 Students</u> | <u>Local School System</u> | <u>Incidents per 1,000 Students</u> |
|----------------------------|-------------------------------------|----------------------------|-------------------------------------|
| Allegany | 5.3 | Harford | 2.6 |
| Anne Arundel | 4.2 | Howard | 5.2 |
| Baltimore City | 5.6 | Kent | 29.8 |
| Baltimore | 5.4 | Montgomery | 2.9 |
| Calvert | 12.3 | Prince George's | 3.3 |
| Caroline | 8.3 | Queen Anne's | 6.9 |
| Carroll | 6.6 | St. Mary's | 5.8 |
| Cecil | 10.4 | Somerset | 12.6 |
| Charles | 6.4 | Talbot | 17.4 |
| Dorchester | 19.1 | Washington | 8.1 |
| Frederick | 7.9 | Wicomico | 11.3 |
| Garrett | 8.5 | Worcester | 7.5 |

Source: Maryland State Department of Education

In addition, the local school systems with the highest reported incident rates of bullying tend to have a lower overall enrollment. The 2013-2014 school year, the year reported in the 2015 report, marks the fifth year during which bullying prevention programming was required to be presented by the local school systems to students, staff, and volunteers. It is speculated that the programming further heightened awareness of the issue among the school communities.

Twelve-year-olds were the most frequent victims of bullying, harassment, or intimidation while thirteen-year-olds were the most frequent perpetrators according to the data collected by MSDE, which corroborates national data showing that bullying peaks in middle school.

The National Parent-Teacher Association and APA report that the most effective bullying prevention strategies involve the entire school community. Both also recommend the integration of bullying-related content into school curricula and close adult supervision of students throughout the school day to monitor and prevent bullying behavior before it escalates.

MSDE advises that some of the provisions of the bill are included in the 2013 update of the Bullying, Harassment, or Intimidation Model Policy Guidebook.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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