

# HOUSE BILL 1382

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8lr2541

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By: **Delegates Long, Buckel, Ciliberti, Grammer, C. Howard, Malone, Metzgar, and Szeliga**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Misconduct – Parent or Guardian Liability**

3 FOR the purpose of prohibiting a certain student from violating a county board of  
4 education’s bullying, harassment, and intimidation policy by performing certain  
5 actions; prohibiting a certain student from violating a county board’s student code of  
6 conduct by fighting; establishing a certain penalty for a certain person who has legal  
7 custody or care and control of a certain student; authorizing a court to suspend a  
8 certain fine under certain circumstances; requiring a court to consider certain  
9 information when making a certain determination; defining certain terms; and  
10 generally relating to a penalty for the parent or guardian for student misconduct in  
11 public schools.

12 BY adding to

13 Article – Education

14 Section 7–424.4

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2017 Supplement)

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

19 **Article – Education**

20 **7–424.4.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

23 **(2) “BULLYING, HARASSMENT, OR INTIMIDATION” HAS THE MEANING**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 STATED IN § 7-424.1 OF THIS SUBTITLE.

2 (3) (I) "FIGHTING" MEANS AN ACT OF OR A CREDIBLE THREAT OF  
3 PHYSICAL VIOLENCE AGAINST ANOTHER INDIVIDUAL.

4 (II) "FIGHTING" INCLUDES ASSAULT AS DEFINED IN § 3-201 OF  
5 THE CRIMINAL LAW ARTICLE.

6 (B) A STUDENT ENROLLED IN A PUBLIC SCHOOL MAY NOT VIOLATE A  
7 COUNTY BOARD'S BULLYING, HARASSMENT, OR INTIMIDATION POLICY  
8 ESTABLISHED UNDER § 7-424.1(C) OF THIS SUBTITLE BY:

9 (1) BULLYING, HARASSING, OR INTIMIDATING ANOTHER INDIVIDUAL  
10 AT SCHOOL; OR

11 (2) RETALIATING AGAINST AN INDIVIDUAL FOR REPORTING AN ACT  
12 OF BULLYING, HARASSMENT, OR INTIMIDATION TO THE SCHOOL.

13 (C) A STUDENT ENROLLED IN A PUBLIC SCHOOL MAY NOT VIOLATE A  
14 COUNTY BOARD'S STUDENT CODE OF CONDUCT BY FIGHTING.

15 (D) (1) ANY PERSON WHO HAS LEGAL CUSTODY OR CARE AND CONTROL  
16 OF A STUDENT ENROLLED IN A PUBLIC SCHOOL WHO IS THE SUBJECT OF AT LEAST  
17 FOUR REPORTS OF A VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION IS  
18 SUBJECT TO A CIVIL FINE NOT TO EXCEED \$1,000.

19 (2) THE COURT MAY SUSPEND THE FINE AND ESTABLISH TERMS AND  
20 CONDITIONS THAT WOULD PROMOTE POSITIVE BEHAVIORAL CHANGES OF THE  
21 STUDENT.

22 (3) IN DETERMINING THE AMOUNT OF THE FINE OR WHETHER TO  
23 SUSPEND THE FINE UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER:

24 (I) THE ACTIONS OF THE PARENT OR GUARDIAN IN RESPONSE  
25 TO EACH REPORT FROM THE STUDENT'S SCHOOL REGARDING THE STUDENT'S  
26 CONDUCT;

27 (II) THE ACTIONS TAKEN BY THE SCHOOL TO MODIFY THE  
28 STUDENT'S CONDUCT AND TO NOTIFY THE STUDENT'S PARENT OR GUARDIAN OF THE  
29 STUDENT'S REPORTED CONDUCT; AND

30 (III) ANY OTHER INFORMATION THE COURT DETERMINES  
31 APPROPRIATE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2018.