

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 865 (Delegate Long)  
Ways and Means

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**Public Schools - Student Misconduct - Parent or Guardian Liability**

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This bill prohibits a public school student from violating the local board of education’s bullying, harassment, or intimidation policy by bullying, harassing, or intimidating another individual at school or retaliating against an individual for reporting such an act. Further, a public school student may not violate the local school system’s code of student conduct by fighting. Any parent or guardian of a student who is the subject of at least four reports of a violation is subject to a civil fine not to exceed \$1,000. The court may suspend the fine and establish terms and conditions that would promote positive behavioral changes in the student. In determining the amount of the fine or whether to suspend the fine, the court must consider specified information. **The bill takes effect July 1, 2019.**

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues due to the bill’s penalty provision for those cases heard in the District Court. No effect on expenditures.

**Local Effect:** None. Local school systems can refer individuals in violation using existing resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** “Fighting” is defined as an act of or credible threat of physical violence against another individual. “Fighting” includes assault as defined in Section 3-201 of the Criminal Law Article which states that “assault” means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings.

Specifically, in determining the amount of the fine or whether to suspend the fine, the court must consider (1) the actions of the student’s parent or guardian in response to each report from the student’s school regarding the student’s conduct; (2) the actions taken by the school to modify the student’s conduct and to notify the student’s parent or guardian of the student’s reported conduct; and (3) any other information the court determines appropriate.

**Current Law/Background:** Chapter 489 of 2008 required the State Board of Education to develop a model policy that prohibits bullying, harassment, and intimidation by March 31, 2009, in consultation with local school systems. Using the State board’s model policy, local boards of education had to establish policies prohibiting bullying, harassment, and intimidation by July 1, 2009, and develop educational materials to prevent bullying in schools.

[Maryland’s Model Policy to Address Bullying, Harassment, or Intimidation](#) was last updated July 2016 and can be found on the Maryland State Department of Education (MSDE) website.

“Bullying, harassment, or intimidation” is defined by MSDE as intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being and is (1) motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability or (2) threatening or seriously intimidating and occurs on school property, at a school activity or event, or on a school bus; or substantially disrupts the orderly operation of a school.

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### **Additional Information**

**Prior Introductions:** HB 1382 of 2018 received a hearing in the House Ways and Means Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Anne Arundel County Public Schools; Baltimore City Public Schools; Montgomery County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2019  
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