

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 345
Ways and Means

(Delegate Simmons)

Education - Prevention of Harassment and Intimidation in Public Schools

This bill prohibits a public school student from harassing or intimidating another student on school property, at a school event, or on a school bus. A school employee or student who witnesses or has reason to believe a student has been subjected to harassment or intimidation must report the incident to the appropriate school official. Local boards of education must adopt policies that prohibit harassment and intimidation and publish the policies in student handbooks and other publications. The State Board of Education must establish a model policy by December 31, 2003 to assist local boards in developing their policies. A local board may institute a harassment and intimidation prevention program that incorporates its policy. An individual who reports an incident of harassment or intimidation is immune from any civil liability arising from a school's failure to remedy the incident.

Fiscal Summary

State Effect: The State Board of Education could modify existing documents to develop a model policy using existing budgeted resources.

Local Effect: Local boards of education could adopt policies with existing resources.

Small Business Effect: None.

Analysis

Current Law: As established in COMAR, all students in Maryland public schools, without exception, have the right to education environments that are safe, optimal for academic achievement, and free from any form of harassment.

Several years ago, the State Board of Education directed the State Department of Education to develop an action plan to ensure that all students attend schools that are safe and free of harassment. The “Safe Schools Action Plan” was approved by the State board in January 2000. Local school boards have been required to submit their own safety plans annually since January 2001.

Background: A July 2001 publication by the National Conference of State Legislatures, “What Works to Keep Schools Safe,” recommended that, in order to enhance school safety, schools should adopt policies designed to meet certain goals. The goals include:

- creating a school environment where students feel safe and problems do not start;
- helping students take the lead in keeping schools safe;
- ensuring that schools have the skills to identify at-risk students and the resources to intervene when problem behavior occurs;
- equipping students and teachers with the skills they need to avoid conflict and violence; and
- helping schools and individuals reconnect with the community and share resources.

The federal No Child Left Behind legislation enacted in January 2002 requires states to identify “persistently dangerous” schools. A student who attends a dangerous school (as defined by the State) or is the victim of a violent crime while on school grounds must be given the option to transfer to another school in the district. The State Board of Education is in the process of developing and adopting regulations to comply with the federal mandates.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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