
By: **Delegates Simmons and King**
Introduced and read first time: February 5, 2004
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 2004

CHAPTER _____

1 AN ACT concerning

2 **Safe Schools Reporting Act of 2004**

3 FOR the purpose of requiring ~~each county board of education to create a program for~~
4 ~~reporting~~ the State Department of Education to require a county board to report
5 certain incidents against certain students; authorizing certain persons to file a
6 report regarding certain incidents; requiring ~~each county board~~ the State
7 Department of Education to create a standard victim of harassment or
8 intimidation report form; providing for the contents and distribution of a certain
9 form; requiring a county board to submit copies of a certain form to the State
10 ~~Board~~ Department of Education on or before a certain date each year; requiring
11 a county board to delete identifying information from certain forms under
12 certain circumstances; requiring the State ~~Board~~ Department of Education to
13 submit a certain report on or before a certain date each year to certain
14 committees consisting of certain information relating to victim of harassment or
15 intimidation reports filed with county boards; and generally relating to
16 reporting incidents of harassment or intimidation of students at public schools.

17 BY adding to
18 Article - Education
19 Section 7-420
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2003 Supplement)

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

1

Article - Education

2 7-420.

3 (A) IN THIS SECTION, "HARASSMENT OR INTIMIDATION" MEANS CONDUCT,
4 INCLUDING VERBAL CONDUCT, THAT:

5 (1) CREATES, OR CERTAINLY WILL CREATE, A HOSTILE EDUCATIONAL
6 ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL
7 BENEFITS, OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR
8 PSYCHOLOGICAL WELL-BEING AND IS:

9 (I) MOTIVATED BY AN ACTUAL OR A PERCEIVED PERSONAL
10 CHARACTERISTIC SUCH AS RACE, NATIONAL ORIGIN, MARITAL STATUS, SEX, SEXUAL
11 ORIENTATION, GENDER IDENTITY, RELIGION, OR DISABILITY; OR

12 (II) THREATENING OR SERIOUSLY INTIMIDATING; AND

13 (2) OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT,
14 OR ON A SCHOOL BUS.

15 (B) (1) ~~EACH COUNTY BOARD SHALL CREATE A PROGRAM FOR REPORTING~~
16 THE DEPARTMENT SHALL REQUIRE A COUNTY BOARD TO REPORT INCIDENTS OF
17 HARASSMENT OR INTIMIDATION AGAINST STUDENTS ATTENDING A PUBLIC SCHOOL
18 UNDER THE JURISDICTION OF THE COUNTY BOARD.

19 (2) AN INCIDENT OF HARASSMENT OR INTIMIDATION MAY BE
20 REPORTED BY A STUDENT OR THE PARENT, GUARDIAN, OR CLOSE ADULT RELATIVE
21 OF A STUDENT.

22 (C) (1) ~~EACH COUNTY BOARD~~ THE DEPARTMENT SHALL CREATE A
23 STANDARD VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM.

24 (2) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM
25 SHALL:

26 (I) IDENTIFY THE VICTIM AND THE PERPETRATOR, IF KNOWN;

27 (II) INDICATE THE AGE OF THE VICTIM AND PERPETRATOR;

28 (III) DESCRIBE THE INCIDENT, INCLUDING STATEMENTS MADE BY
29 THE ALLEGED PERPETRATOR;

30 (IV) INDICATE THE LOCATION OF THE INCIDENT;

31 (V) IDENTIFY ANY PHYSICAL INJURY SUFFERED BY THE VICTIM
32 AND DESCRIBE THE SERIOUSNESS AND ANY PERMANENT EFFECTS OF THE INJURY;

33 (VI) IDENTIFY ANY REQUEST FOR PSYCHOLOGICAL SERVICES
34 INITIATED BY THE VICTIM OR THE VICTIM'S FAMILY DUE TO PSYCHOLOGICAL
35 INJURIES SUFFERED; ~~AND~~

1 (VII) DESCRIBE THE CORRECTIVE ACTION THE VICTIM WOULD LIKE
2 TO ~~OCCUR~~; OCCUR; AND

3 ~~(3) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM~~
4 ~~SHALL~~

5 (VIII) INCLUDE INSTRUCTIONS ON HOW TO FILL OUT THE FORM AND
6 THE MAILING ADDRESS TO WHERE THE FORM SHALL BE SENT.

7 ~~(4)~~ (3) A COUNTY BOARD SHALL DISTRIBUTE COPIES OF THE VICTIM
8 OF HARASSMENT OR INTIMIDATION REPORT FORM TO EACH PUBLIC SCHOOL UNDER
9 THE COUNTY BOARD'S JURISDICTION.

10 (D) (1) EACH COUNTY BOARD SHALL SUBMIT COPIES OF ALL THE VICTIM OF
11 HARASSMENT OR INTIMIDATION REPORT FORMS FILED WITH THE COUNTY BOARD
12 TO THE STATE BOARD ON OR BEFORE JANUARY 31 EACH YEAR.

13 (2) A COUNTY BOARD SHALL DELETE ANY INFORMATION THAT
14 IDENTIFIES AN INDIVIDUAL.

15 (E) (1) ~~THE STATE BOARD~~ DEPARTMENT SHALL SUBMIT A REPORT ON OR
16 BEFORE MARCH 31 EACH YEAR TO THE SENATE EDUCATION, HEALTH, AND
17 ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS
18 COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
19 CONSISTING OF A COMPILATION OF THE INFORMATION INCLUDED IN THE VICTIM OF
20 HARASSMENT OR INTIMIDATION REPORT FORMS FILED WITH THE COUNTY BOARDS
21 THE PREVIOUS YEAR.

22 (2) THE REPORT SUBMITTED BY THE ~~STATE BOARD~~ DEPARTMENT SHALL
23 INCLUDE:

24 (I) A DESCRIPTION OF THE ACT CONSTITUTING THE HARASSMENT
25 OR INTIMIDATION;

26 (II) THE AGE OF THE VICTIM AND PERPETRATOR;

27 (III) TO THE EXTENT FEASIBLE, A DETERMINATION OF THE
28 PERPETRATOR'S MOTIVE;

29 (IV) A DESCRIPTION OF THE INVESTIGATION OF THE COMPLAINT
30 AND ANY CORRECTIVE ACTION TAKEN BY THE APPROPRIATE SCHOOL AUTHORITIES;

31 (V) A STATISTICAL ~~BREAKOUT~~ BREAKDOWN OF THE NUMBER OF
32 FALSE ALLEGATIONS REPORTED; AND

33 (VI) ANY OTHER INFORMATION NECESSARY TO DETERMINE THE
34 NATURE AND EXTENT OF THE TYPES OF HARASSING OR INTIMIDATING INCIDENTS
35 AND THE MOTIVATION BEHIND THE INCIDENTS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 2004.