
By: **Senator Astle**

Introduced and read first time: January 16, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Prevention of Harassment and Intimidation in Public Schools**

3 FOR the purpose of declaring the intent of the General Assembly; defining a certain
4 term; prohibiting certain students from harassing or intimidating another
5 student; requiring certain individuals to report incidents under certain
6 circumstances; requiring a county board of education to establish a harassment
7 and intimidation prevention program for certain individuals; requiring a county
8 board of education and the Baltimore City Board of School Commissioners to
9 incorporate certain policies in its training program; requiring the county board
10 to include certain information in its harassment and intimidation policy;
11 requiring the State Board of Education to establish a model policy and adopt
12 regulations; requiring a county board to publish the harassment and
13 intimidation policy in certain publications; and generally relating to the
14 prevention of harassment and intimidation in public schools.

15 BY adding to
16 Article - Education
17 Section 7-304.1
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2003 Supplement)

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

22 **Article - Education**

23 7-304.1.

24 (A) IN THIS SECTION, "HARASSMENT OR INTIMIDATION" MEANS A GESTURE
25 OR A WRITTEN, VERBAL, OR PHYSICAL ACT THAT:

26 (1) IS REASONABLY PERCEIVED AS BEING MOTIVATED BY AN ACTUAL
27 OR PERCEIVED CHARACTERISTIC, INCLUDING RACE, COLOR, RELIGION, ANCESTRY,
28 NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, MENTAL, PHYSICAL OR
29 SENSORY DISABILITY, OR ANY OTHER DISTINGUISHING CHARACTERISTIC; AND

1 (2) TAKES PLACE ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR
2 EVENT, OR ON A SCHOOL BUS.

3 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN THE ENACTMENT OF
4 THIS SECTION TO:

5 (1) PROMOTE THE IMPORTANCE OF A SAFE AND CIVIL ENVIRONMENT
6 FOR STUDENTS TO ACHIEVE IN SCHOOL;

7 (2) DISCOURAGE DISRUPTIVE CONDUCT; AND

8 (3) PREVENT HARASSMENT AND INTIMIDATION OF STUDENTS IN
9 PUBLIC SCHOOLS.

10 (C) (1) A STUDENT IN A PUBLIC SCHOOL IN THE STATE MAY NOT HARASS OR
11 INTIMIDATE ANOTHER STUDENT.

12 (2) AN EMPLOYEE OF A LOCAL SCHOOL SYSTEM OR STUDENT WHO
13 WITNESSES OR HAS REASON TO BELIEVE THAT A STUDENT HAS BEEN SUBJECTED TO
14 HARASSMENT OR INTIMIDATION SHALL REPORT THE INCIDENT TO THE
15 APPROPRIATE SCHOOL OFFICIAL AS DESIGNATED BY THE COUNTY BOARD.

16 (3) A COUNTY BOARD SHALL ESTABLISH HARASSMENT AND
17 INTIMIDATION PREVENTION PROGRAMS FOR AN EMPLOYEE OF A LOCAL SCHOOL
18 SYSTEM, ADMINISTRATOR, VOLUNTEER, STUDENT, PARENT, AND LOCAL LAW
19 ENFORCEMENT.

20 (4) A COUNTY BOARD SHALL INCORPORATE THE BOARD'S POLICY ON
21 HARASSMENT AND INTIMIDATION IN THE BOARD'S EMPLOYEE TRAINING PROGRAM.

22 (D) A COUNTY BOARD SHALL ADOPT A POLICY THAT PROHIBITS A STUDENT
23 FROM HARASSING OR INTIMIDATING ANOTHER STUDENT ON SCHOOL PROPERTY, AT
24 A SCHOOL ACTIVITY OR EVENT, OR ON A SCHOOL BUS.

25 (E) A COUNTY BOARD SHALL INCLUDE THE FOLLOWING INFORMATION IN
26 THE POLICY:

27 (1) A STATEMENT PROHIBITING HARASSMENT OR INTIMIDATION OF A
28 STUDENT;

29 (2) THE DEFINITION OF HARASSMENT AND INTIMIDATION AS DEFINED
30 UNDER SUBSECTION (A) OF THIS SECTION;

31 (3) A DESCRIPTION OF THE TYPE OF BEHAVIOR EXPECTED FROM A
32 STUDENT;

33 (4) PENALTIES OR APPROPRIATE REMEDIAL ACTION FOR A STUDENT
34 WHO VIOLATES THE HARASSMENT POLICY;

35 (5) THE PROCEDURE FOR REPORTING INCIDENTS OF HARASSMENT OR
36 INTIMIDATION;

1 (6) THE PROCEDURE FOR INVESTIGATING REPORTS OF INCIDENTS OF
2 HARASSMENT OR INTIMIDATION;

3 (7) THE PROCEDURE THAT A PUBLIC SCHOOL MUST FOLLOW IN
4 RESPONSE TO A REPORT OF HARASSMENT OR INTIMIDATION;

5 (8) A STATEMENT PROHIBITING RETALIATION OR REPRISAL AGAINST AN
6 INDIVIDUAL WHO REPORTS AN ACT OF HARASSMENT OR INTIMIDATION;

7 (9) THE METHOD FOR PROVIDING NOTICE OF THE HARASSMENT AND
8 INTIMIDATION POLICY TO EMPLOYEES OF A LOCAL SCHOOL SYSTEM, STUDENTS,
9 AND PARENTS; AND

10 (10) PENALTIES FOR AN INDIVIDUAL WHO HAS FALSELY ACCUSED A
11 STUDENT OF HARASSING OR INTIMIDATING ANOTHER STUDENT.

12 (F) A COUNTY BOARD SHALL PUBLISH THE HARASSMENT AND INTIMIDATION
13 POLICY IN A PUBLICATION THAT CONTAINS SCHOOL POLICIES AND IN A STUDENT
14 HANDBOOK.

15 (G) (1) ON OR BEFORE DECEMBER 31, 2004, THE STATE BOARD SHALL
16 ESTABLISH A MODEL POLICY TO ASSIST A COUNTY BOARD IN DEVELOPING THE
17 HARASSMENT AND INTIMIDATION POLICY.

18 (2) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO
19 CARRY OUT THE PROVISIONS OF THIS SECTION.

20 (H) AN INDIVIDUAL WHO REPORTS AN INCIDENT OF HARASSMENT OR
21 INTIMIDATION IS IMMUNE FROM ANY CIVIL LIABILITY ARISING FROM THE SCHOOL'S
22 FAILURE TO REMEDY THE REPORTED INCIDENT.

23 (I) THIS SECTION MAY NOT BE CONSTRUED TO PREEMPT THE ABILITY OF
24 THE STATE TO BRING A CHARGE FOR A VIOLATION UNDER § 3-803 OF THE CRIMINAL
25 LAW ARTICLE.

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