

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 77 (Senator Astle)
Education, Health, and Environmental Affairs

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 policies must also be incorporated in each board's employee training program. The State Board of Education must establish a model policy by December 31, 2004 to assist local boards in developing their policies. 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 Maryland State Department of Education (MSDE) could modify existing documents to develop a model policy using existing departmental resources.

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

Small Business Effect: None.

Analysis

Current Law: Each local board of education must adopt regulations designed to create and maintain within the schools under its jurisdiction an atmosphere of order and discipline necessary for effective learning. As established in COMAR, all students in Maryland public schools, without exception and regardless of race, ethnicity, region,

religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to education environments that are safe, optimal for academic achievement, and free from any form of harassment.

Background: In 1999, after new school safety regulations were adopted by the State Board of Education, the board directed MSDE to develop an action plan to ensure that all students attend schools that are safe and free of harassment. A workgroup comprised of MSDE employees and local school system personnel developed a “Safe Schools Action Plan” that involves interventions for students and school staff, as well as parents and communities. The 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. At a November 2003 briefing for the House Ways and Means Committee, MSDE reported that 21 of 24 local school systems had submitted revised plans for the 2003-2004 school year. MSDE also testified that at least six systems submitted “exemplary” plans, meaning they included innovative school safety strategies. Local school systems with exemplary plans include Baltimore, Caroline, Carroll, Harford, Montgomery, and Washington counties. Policies from the exemplary plans will be shared with other school systems.

School safety regulations were recently updated to strengthen the identification of specific student subgroups that are included within the policy. Local school systems are in the process of updating their action plans to make sure they comply with the new regulations.

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 connect 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 adopted regulations to comply with the federal law in 2003.

Additional Information

Prior Introductions: A similar bill was introduced at the 2003 session as HB 345. It was not reported out of the House Ways and Means Committee.

Cross File: None.

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

Fiscal Note History: First Reader - January 26, 2004
mh/hlb

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