

HB0199/805964/3

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 199
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Rice,” insert “Stein, Kaiser, Riley,”; in the same line, strike “and Walker” and substitute “Walker, Hixson, Doory, Bartlett, Barve, Frick, George, Howard, Jennings, Krebs, Murphy, Olszewski, Ross, Serafini, and F. Turner”; in line 2, strike “and Cyber-Bullying” and substitute “, Harassment, and Intimidation”; in line 4, strike “establish” and substitute “develop”; in the same line, after “certain” insert “model”; in line 5, strike “bullying and cyber-bullying” and substitute “bullying, harassment, and intimidation”; in line 5, after “schools;” insert “requiring that the model policy include certain information; requiring the State Board to develop a certain student awareness campaign;”; strike beginning with “requiring” in line 5 down through “requirements;” in line 8; strike beginning with “local” in line 9 down through “standards” in line 10 and substitute “policies prohibiting bullying, harassment, and intimidation in schools based on the model policy; requiring certain county boards to publicize certain policies in certain publications and certain locations; requiring certain county boards to develop certain educational programs; providing that a school employee that reports a certain act is not civilly liable under certain circumstances”; in line 10, strike “a”; in the same line, strike “term” and substitute “terms”; in line 11, strike “policies and standards related to”; and in the same line, after “bullying” insert “, harassment, and intimidation”.

On page 1, after line 11, insert:

“BY repealing and reenacting, with amendments,
Article – Education
Section 7–424
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)”;

(Over)

and in line 14, strike “7-429” and substitute “7-424.1”.

AMENDMENT NO. 2

On page 1, before line 17, insert:

“Preamble

WHEREAS, The National Institutes of Health reports that bullying affects more than 5 million students in grades 6 through 11; and

WHEREAS, According to the United States Department of Health and Human Services, bullies identified by age 8 are six times more likely to have a criminal conviction by age 24; and

WHEREAS, The increased use of the Internet by students is presenting new challenges regarding bullying in schools; and

WHEREAS, Bullying may lead to an increase in absenteeism or the dropout rate; and

WHEREAS, Maintaining a safe environment in schools is integral to promoting learning and success in students; now, therefore,”.

AMENDMENT NO. 3

On page 1, after line 19, insert:

“7-424.

(a) **(1)** In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BULLYING, harassment, or intimidation” means INTENTIONAL conduct, including verbal, PHYSICAL, OR WRITTEN conduct, OR AN INTENTIONAL ELECTRONIC COMMUNICATION, that:

[(1)] (I) 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:

[(i)] 1. Motivated by an actual or a perceived personal characteristic [such as] INCLUDING race, national origin, marital status, sex, sexual orientation, gender identity, religion, ANCESTRY, PHYSICAL ATTRIBUTES, SOCIOECONOMIC STATUS, FAMILIAL STATUS, OR PHYSICAL OR MENTAL ABILITY or disability; or

[(ii)] 2. Threatening or seriously intimidating; and

[(2)] (II) 1. Occurs on school property, at a school activity or event, or on a school bus[.]; OR

2. SUBSTANTIALLY DISRUPTS THE ORDERLY OPERATION OF A SCHOOL.

(3) “ELECTRONIC COMMUNICATION” MEANS A COMMUNICATION TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.

(b) (1) The Department shall require a county board to report incidents of BULLYING, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of BULLYING, harassment, or intimidation may be reported by a student or the parent, guardian, or close adult relative of a student.

(c) (1) The Department shall create a standard victim of BULLYING, harassment, or intimidation report form.

(2) Each victim of BULLYING, harassment, or intimidation report form shall:

- (i) Identify the victim and the alleged perpetrator, if known;
- (ii) Indicate the age of the victim and alleged perpetrator;
- (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
- (iv) Indicate the location of the incident;
- (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
- (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
- (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and
- (viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of BULLYING, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) (1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(e) The information contained in a victim of BULLYING, harassment, or intimidation report form in accordance with subsection (c) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Education Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

(f) (1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1246 of the State Government Article, consisting of a summary of the information included in the victim of BULLYING, harassment, or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:

(i) A description of the act constituting the BULLYING, harassment, or intimidation;

- (ii) The age of the victim and alleged perpetrator;
- (iii) The allegation of the alleged perpetrator's motive;
- (iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
- (v) The number of days a student is absent from school, if any, as a result of the incident; and
- (vi) The number of false allegations reported.”.

AMENDMENT NO. 4

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 down through line 29 on page 2, inclusive, and substitute:

“7-424.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BULLYING, HARASSMENT, OR INTIMIDATION” MEANS INTENTIONAL CONDUCT, INCLUDING VERBAL, PHYSICAL, OR WRITTEN CONDUCT, OR AN INTENTIONAL ELECTRONIC COMMUNICATION, THAT:

(I) 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

(II) 1. OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT, OR ON A SCHOOL BUS; OR

2. SUBSTANTIALLY DISRUPTS THE ORDERLY OPERATION OF A SCHOOL.

(3) "ELECTRONIC COMMUNICATION" MEANS A COMMUNICATION TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.

(B) (1) BY DECEMBER 1, 2008, THE STATE BOARD, AFTER CONSULTATION WITH AND INPUT FROM LOCAL SCHOOL SYSTEMS, SHALL DEVELOP A MODEL POLICY PROHIBITING BULLYING, HARASSMENT, OR INTIMIDATION IN SCHOOLS.

(2) THE MODEL POLICY DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A STATEMENT PROHIBITING BULLYING, HARASSMENT, AND INTIMIDATION IN SCHOOLS;

(Over)

(II) A STATEMENT PROHIBITING REPRISAL OR RETALIATION AGAINST INDIVIDUALS WHO REPORT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION;

(III) A DEFINITION OF BULLYING, HARASSMENT, OR INTIMIDATION THAT IS EITHER THE SAME AS SET FORTH IN SUBSECTION (A)(2) OF THIS SECTION OR A DEFINITION THAT IS NOT LESS INCLUSIVE THAN THAT DEFINITION;

(IV) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR PERSONS COMMITTING ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION AND FOR PERSONS ENGAGED IN REPRISAL OR RETALIATION;

(V) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR PERSONS FOUND TO HAVE MADE FALSE ACCUSATIONS;

(VI) MODEL PROCEDURES FOR REPORTING ACTS OF BULLYING, HARASSMENT, AND INTIMIDATION;

(VII) MODEL PROCEDURES FOR THE PROMPT INVESTIGATION OF ACTS OF BULLYING, HARASSMENT, AND INTIMIDATION;

(VIII) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES AVAILABLE TO THE STUDENT BULLY, VICTIM, AND ANY BYSTANDERS;
AND

(IX) INFORMATION REGARDING THE AVAILABILITY AND USE OF THE BULLYING, HARASSMENT, OR INTIMIDATION FORM UNDER § 7-424 OF THIS SUBTITLE.

(C) THE STATE BOARD SHALL DEVELOP A STUDENT AWARENESS CAMPAIGN TO PUBLICIZE THE POLICY.

(D) (1) EACH COUNTY BOARD SHALL ESTABLISH A POLICY PROHIBITING BULLYING, HARASSMENT, OR INTIMIDATION AT SCHOOL BASED ON THE MODEL POLICY.

(2) THE POLICY SHALL ADDRESS THE COMPONENTS OF THE MODEL POLICY SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.

(3) A COUNTY BOARD SHALL DEVELOP THE POLICY IN CONSULTATION WITH REPRESENTATIVES OF THE FOLLOWING GROUPS:

(I) PARENTS OR GUARDIANS OF STUDENTS;

(II) SCHOOL EMPLOYEES AND ADMINISTRATORS;

(III) SCHOOL VOLUNTEERS;

(IV) STUDENTS; AND

(V) MEMBERS OF THE COMMUNITY.

(E) EACH COUNTY BOARD SHALL PUBLICIZE ITS POLICY IN STUDENT HANDBOOKS, SCHOOL SYSTEM WEBSITES, AND ANY OTHER LOCATION OR VENUE THE COUNTY BOARD DETERMINES IS NECESSARY OR APPROPRIATE.

(F) EACH COUNTY BOARD POLICY SHALL INCLUDE INFORMATION ON THE PROCEDURE FOR REPORTING INCIDENTS OF BULLYING, HARASSMENT, OR INTIMIDATION, INCLUDING:

(1) A CHAIN OF COMMAND IN THE REPORTING PROCESS; AND

(2) THE NAME AND CONTACT INFORMATION FOR AN EMPLOYEE OF THE DEPARTMENT, DESIGNATED BY THE DEPARTMENT, WHO IS FAMILIAR WITH THE REPORTING AND INVESTIGATION PROCEDURES IN THE APPLICABLE SCHOOL SYSTEM.

(G) EACH COUNTY BOARD SHALL SUBMIT ITS POLICY TO THE STATE SUPERINTENDENT BY JULY 1, 2009.

(H) EACH COUNTY BOARD SHALL DEVELOP THE FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO PREVENT BULLYING, HARASSMENT, AND INTIMIDATION IN SCHOOLS:

(1) AN EDUCATIONAL BULLYING, HARASSMENT, AND INTIMIDATION PREVENTION PROGRAM FOR STUDENTS, STAFF, VOLUNTEERS, AND PARENTS; AND

(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY.

(I) (1) A SCHOOL EMPLOYEE WHO REPORTS AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION UNDER THIS SECTION IN ACCORDANCE WITH THE COUNTY BOARD'S POLICY ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN REPORTING OR

**FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION
UNDER THIS SECTION.**

**(2) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED
TO LIMIT THE LEGAL RIGHTS OF A VICTIM OF BULLYING, HARASSMENT, OR
INTIMIDATION.”.**