

HOUSE BILL 199

F1

8lr0309

By: Delegates Rice, Stein, Kaiser, Riley, Cardin, Elmore, Gilchrist, Ivey, Stukes, Tarrant, Vaughn, and Walker ~~Walker~~, Hixson, Doory, Bartlett, Barve, Frick, George, Howard, Jennings, Krebs, Murphy, Olszewski, Ross, Serafini, and F. Turner

Introduced and read first time: January 22, 2008

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Bullying and Cyber-Bullying, Harassment, and Intimidation**
3 **– Policy and Disciplinary Standards**

4 FOR the purpose of requiring the State Board of Education to ~~establish~~ develop a
5 certain model policy prohibiting ~~bullying and cyber-bullying~~ bullying,
6 harassment, and intimidation in schools; requiring that the model policy include
7 certain information; requiring the State Board to develop a certain student
8 awareness campaign; requiring the State Board to develop a certain set of
9 ~~model standards for investigating certain complaints and disciplining certain~~
10 ~~individuals; requiring certain model standards to include certain requirements;~~
11 requiring certain county boards of education to establish certain ~~local standards~~
12 ~~concerning bullying based on certain State model standards~~ policies prohibiting
13 bullying, harassment, and intimidation in schools based on the model policy;
14 requiring certain county boards to publicize certain policies in certain
15 publications and certain locations; requiring certain county boards to develop
16 certain educational programs; providing that a school employee that reports a
17 certain act is not civilly liable under certain circumstances; defining a certain
18 ~~term~~ terms; and generally relating to policies and standards related to bullying,
19 harassment, and intimidation in the public schools.

20 BY repealing and reenacting, with amendments,

21 Article – Education

22 Section 7-424

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
 2 (2006 Replacement Volume and 2007 Supplement)

3 BY adding to
 4 Article – Education
 5 Section ~~7-429~~ 7-424.1
 6 Annotated Code of Maryland
 7 (2006 Replacement Volume and 2007 Supplement)

8 Preamble

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

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

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

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

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

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 7-424.

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

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

29 [(1)] (I) Creates a hostile educational environment by substantially
 30 interfering with a student’s educational benefits, opportunities, or performance, or
 31 with a student’s physical or psychological well-being and is:

32 [(i)] 1. Motivated by an actual or a perceived personal
 33 characteristic [such as] INCLUDING race, national origin, marital status, sex, sexual

1 orientation, gender identity, religion, ANCESTRY, PHYSICAL ATTRIBUTES,
2 SOCIOECONOMIC STATUS, FAMILIAL STATUS, OR PHYSICAL OR MENTAL ABILITY
3 or disability; or

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

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

7 2. SUBSTANTIALLY DISRUPTS THE ORDERLY
8 OPERATION OF A SCHOOL.

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

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

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

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

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

21 (i) Identify the victim and the alleged perpetrator, if known;

22 (ii) Indicate the age of the victim and alleged perpetrator;

23 (iii) Describe the incident, including alleged statements made by
24 the alleged perpetrator;

25 (iv) Indicate the location of the incident;

26 (v) Identify any physical injury suffered by the victim and
27 describe the seriousness and any permanent effects of the injury;

28 (vi) Indicate the number of days a student is absent from school,
29 if any, as a result of the incident;

30 (vii) Identify any request for psychological services initiated by
31 the victim or the victim's family due to psychological injuries suffered; and

1 (viii) Include instructions on how to fill out the form and the
2 mailing address to where the form shall be sent.

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

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

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

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

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

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

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

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

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

26 (ii) The age of the victim and alleged perpetrator;

27 (iii) The allegation of the alleged perpetrator's motive;

28 (iv) A description of the investigation of the complaint and any
29 corrective action taken by the appropriate school authorities;

30 (v) The number of days a student is absent from school, if any,
31 as a result of the incident; and

32 (vi) The number of false allegations reported.

1 ~~7-429.~~

2 ~~(A) IN THIS SECTION, "BULLYING" MEANS ANY INTENTIONAL WRITTEN,~~
3 ~~VERBAL, OR PHYSICAL ACT, INCLUDING ANY PUBLISHED COMMUNICATION,~~
4 ~~THAT HAS THE EFFECT OF:~~

5 ~~(1) PHYSICALLY HARMING AN INDIVIDUAL;~~

6 ~~(2) DAMAGING AN INDIVIDUAL'S PROPERTY;~~

7 ~~(3) SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S~~
8 ~~EDUCATION OR LEARNING ENVIRONMENT;~~

9 ~~(4) PLACING AN INDIVIDUAL IN REASONABLE FEAR OF HARM TO~~
10 ~~THE INDIVIDUAL'S PERSON OR PROPERTY; OR~~

11 ~~(5) SUBSTANTIALLY DISRUPTING THE ORDERLY OPERATION OF~~
12 ~~THE SCHOOL.~~

13 ~~(B) THE STATE BOARD SHALL ESTABLISH A POLICY PROHIBITING~~
14 ~~BULLYING IN SCHOOLS.~~

15 ~~(C) (1) THE STATE BOARD SHALL DEVELOP MODEL UNIFORM~~
16 ~~STANDARDS FOR INVESTIGATING COMPLAINTS OF BULLYING AND DISCIPLINING~~
17 ~~INDIVIDUALS WHO HAVE VIOLATED THE BULLYING POLICY ESTABLISHED~~
18 ~~UNDER SUBSECTION (B) OF THIS SECTION.~~

19 ~~(2) THE STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF~~
20 ~~THIS SUBSECTION SHALL INCLUDE:~~

21 ~~(I) SPECIFIC PENALTIES TO BE APPLIED TO INDIVIDUALS~~
22 ~~WHO REPEATEDLY HAVE VIOLATED THE BULLYING POLICY ESTABLISHED~~
23 ~~UNDER SUBSECTION (B) OF THIS SECTION;~~

24 ~~(II) A REQUIREMENT THAT AN INDIVIDUAL WHO VIOLATES~~
25 ~~THE BULLYING POLICY RECEIVE EDUCATIONAL AND THERAPEUTIC SERVICES~~
26 ~~CONCERNING BULLYING PREVENTION; AND~~

27 ~~(III) A PROCEDURE FOR PROTECTING VICTIMS OF BULLYING~~
28 ~~FROM ADDITIONAL INCIDENTS OF BULLYING, HARASSMENT, INTIMIDATION, OR~~
29 ~~RETALIATION.~~

30 ~~(D) EACH COUNTY BOARD SHALL ESTABLISH LOCAL STANDARDS FOR~~
31 ~~INVESTIGATING COMPLAINTS OF BULLYING AND DISCIPLINING INDIVIDUALS~~

~~1 WHO HAVE VIOLATED THE BULLYING POLICY THAT ARE BASED ON THE MODEL~~
~~2 UNIFORM STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION.~~

3 7-424.1.

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

6 (2) "BULLYING, HARASSMENT, OR INTIMIDATION" MEANS
7 INTENTIONAL CONDUCT, INCLUDING VERBAL, PHYSICAL, OR WRITTEN
8 CONDUCT, OR AN INTENTIONAL ELECTRONIC COMMUNICATION, THAT:

9 (I) CREATES A HOSTILE EDUCATIONAL ENVIRONMENT BY
10 SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL BENEFITS,
11 OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR
12 PSYCHOLOGICAL WELL-BEING AND IS:

13 1. MOTIVATED BY AN ACTUAL OR A PERCEIVED
14 PERSONAL CHARACTERISTIC INCLUDING RACE, NATIONAL ORIGIN, MARITAL
15 STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, RELIGION, ANCESTRY,
16 PHYSICAL ATTRIBUTE, SOCIOECONOMIC STATUS, FAMILIAL STATUS, OR
17 PHYSICAL OR MENTAL ABILITY OR DISABILITY; OR

18 2. THREATENING OR SERIOUSLY INTIMIDATING;
19 AND

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

22 2. SUBSTANTIALLY DISRUPTS THE ORDERLY
23 OPERATION OF A SCHOOL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **(I) PARENTS OR GUARDIANS OF STUDENTS;**

2 **(II) SCHOOL EMPLOYEES AND ADMINISTRATORS;**

3 **(III) SCHOOL VOLUNTEERS;**

4 **(IV) STUDENTS; AND**

5 **(V) MEMBERS OF THE COMMUNITY.**

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

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

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

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

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

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

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

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

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.