

# HOUSE BILL 206

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By: **Delegates Riley, Norman, James, Jennings, McComas, and Smigiel**  
Introduced and read first time: January 23, 2008  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Student Bullying – State and School Policy**

3 FOR the purpose of requiring, by a certain date, each county board of education and  
4 the Board of School Commissioners of Baltimore City to adopt a policy declaring  
5 certain bullying in schools, on school property, and at school functions or  
6 school-sponsored activities regardless of location as against State and school  
7 policy; requiring each county board of education and the Board of School  
8 Commissioners of Baltimore City to make a copy of the policy available to  
9 certain individuals and to take certain other steps; requiring the policy to  
10 include certain provisions and certain information; establishing immunity from  
11 civil and criminal liability for individuals who comply with certain procedures;  
12 requiring each county board of education and the Board of School  
13 Commissioners of Baltimore City to develop and maintain a system to collect  
14 certain data; providing for the construction of this Act; defining certain terms;  
15 and generally relating to student bullying.

16 BY adding to

17 Article – Education  
18 Section 7–304.2  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2007 Supplement)

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

23 **Article – Education**

24 **7–304.2.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3                   (2)     **“BULLYING” MEANS CONDUCT, INCLUDING AN ACT**  
4 **CONDUCTED BY ELECTRONIC MEANS, DIRECTED TOWARD A STUDENT THAT:**

5                           (I)     **IS BASED ON AN ACTUAL OR PERCEIVED TRAIT**  
6 **OR CHARACTERISTIC OF THE STUDENT; AND**

7                           (II)    **CREATES AN OBJECTIVELY HOSTILE SCHOOL**  
8 **ENVIRONMENT THAT:**

9                                   1.     **PLACES THE STUDENT IN REASONABLE**  
10 **FEAR OF HARM TO THE STUDENT’S PERSON OR PROPERTY;**

11                                   2.     **HAS A SUBSTANTIALLY DETRIMENTAL**  
12 **EFFECT ON THE STUDENT’S PHYSICAL OR MENTAL HEALTH;**

13                                   3.     **HAS THE EFFECT OF SUBSTANTIALLY**  
14 **INTERFERING WITH THE STUDENT’S ACADEMIC PERFORMANCE; OR**

15                                   4.     **HAS THE EFFECT OF SUBSTANTIALLY**  
16 **INTERFERING WITH THE STUDENT’S ABILITY TO PARTICIPATE IN OR BENEFIT**  
17 **FROM THE SERVICES, ACTIVITIES, OR PRIVILEGES PROVIDED BY A SCHOOL.**

18                   (3)     **“TRAIT OR CHARACTERISTIC OF THE STUDENT”**  
19 **INCLUDES AGE, COLOR, CREED, NATIONAL ORIGIN, RACE, RELIGION, MARITAL**  
20 **STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, PHYSICAL ATTRIBUTE,**  
21 **PHYSICAL OR MENTAL ABILITY OR DISABILITY, ANCESTRY, POLITICAL PARTY**  
22 **PREFERENCE, POLITICAL BELIEF, SOCIOECONOMIC STATUS, OR FAMILIAL**  
23 **STATUS.**

24                   (4)     **“VOLUNTEER” MEANS AN INDIVIDUAL WHO HAS**  
25 **REGULAR, SIGNIFICANT CONTACT WITH STUDENTS.**

26           (B)     (1)     **BY SEPTEMBER 1, 2009, EACH COUNTY BOARD OF**  
27 **EDUCATION AND THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE**  
28 **CITY SHALL ADOPT A POLICY DECLARING THAT BULLYING IN SCHOOLS, ON**  
29 **SCHOOL PROPERTY, AND AT SCHOOL FUNCTIONS OR SCHOOL-SPONSORED**  
30 **ACTIVITIES REGARDLESS OF LOCATION IS AGAINST STATE AND SCHOOL POLICY.**

31                   (2)     **EACH COUNTY BOARD OF EDUCATION AND THE BOARD**  
32 **OF SCHOOL COMMISSIONERS OF BALTIMORE CITY SHALL MAKE A COPY OF THE**  
33 **POLICY AVAILABLE TO ALL SCHOOL EMPLOYEES, VOLUNTEERS, STUDENTS, AND**

1 PARENTS OR GUARDIANS OF STUDENTS AND SHALL TAKE ALL APPROPRIATE  
2 STEPS TO BRING THE POLICY AND THE RESPONSIBILITIES SET FORTH IN THE  
3 POLICY TO THE ATTENTION OF SCHOOL EMPLOYEES, VOLUNTEERS, STUDENTS,  
4 AND PARENTS OR GUARDIANS OF STUDENTS.

5 (3) EACH POLICY ADOPTED UNDER THIS SECTION SHALL  
6 INCLUDE:

7 (I) A STATEMENT DECLARING BULLYING TO BE  
8 AGAINST STATE AND SCHOOL POLICY AND PROVIDING THAT:

9 1. SCHOOL EMPLOYEES, VOLUNTEERS, AND  
10 STUDENTS IN SCHOOL, ON SCHOOL PROPERTY, AT SCHOOL FUNCTIONS OR  
11 SCHOOL-SPONSORED ACTIVITIES, MAY NOT ENGAGE IN BULLYING BEHAVIOR;  
12 AND

13 2. SCHOOL EMPLOYEES, VOLUNTEERS, AND  
14 STUDENTS MAY NOT ENGAGE IN REPRISAL, RETALIATION, OR FALSE  
15 ACCUSATION AGAINST A VICTIM OR WITNESS OF AN ACT OF BULLYING, OR ANY  
16 OTHER INDIVIDUAL WHO HAS RELIABLE INFORMATION ABOUT SUCH AN ACT;

17 (II) THE DEFINITION OF BULLYING PROVIDED IN  
18 THIS SECTION;

19 (III) A DESCRIPTION OF THE TYPE OF BEHAVIOR  
20 EXPECTED FROM SCHOOL EMPLOYEES, VOLUNTEERS, PARENTS OR GUARDIANS,  
21 AND STUDENTS RELATIVE TO PREVENTION MEASURES, REPORTING, AND  
22 INVESTIGATION OF BULLYING;

23 (IV) THE CONSEQUENCES FOR A PERSON WHO  
24 VIOLATES THE POLICY;

25 (V) A PROCEDURE FOR REPORTING AN ACT OF  
26 BULLYING THAT IDENTIFIES THE JOB TITLE OF THE SCHOOL OFFICIAL  
27 RESPONSIBLE FOR ENSURING THAT THE POLICY IS IMPLEMENTED AND THE  
28 PERSON OR PERSONS RESPONSIBLE FOR RECEIVING REPORTS OF BULLYING;

29 (VI) A PROCEDURE FOR THE PROMPT INVESTIGATION  
30 OF COMPLAINTS BY THE SCHOOL SUPERINTENDENT OR THE  
31 SUPERINTENDENT'S DESIGNEE, INCLUDING A STATEMENT THAT THE  
32 INVESTIGATOR WILL CONSIDER THE TOTALITY OF CIRCUMSTANCES PRESENTED  
33 IN DETERMINING WHETHER CONDUCT OBJECTIVELY CONSTITUTES BULLYING  
34 UNDER THIS SECTION; AND

1                                   (VII) A STATEMENT OF THE MANNER IN WHICH THE  
2 POLICY WILL BE PUBLICIZED.

3                   (C) A SCHOOL EMPLOYEE, VOLUNTEER, STUDENT, OR PARENT OR  
4 GUARDIAN OF A STUDENT WHO PROMPTLY, REASONABLY, IN GOOD FAITH, AND  
5 IN ACCORDANCE WITH THE PROCEDURES STATED IN THE POLICY ADOPTED  
6 UNDER THIS SECTION, REPORTS AN ACT OF BULLYING SHALL BE IMMUNE FROM  
7 CIVIL OR CRIMINAL LIABILITY RELATING TO THE REPORT AND TO  
8 PARTICIPATION IN ANY ADMINISTRATIVE OR JUDICIAL PROCEEDING  
9 RESULTING FROM OR RELATING TO THE REPORT.

10                   (D) EACH COUNTY BOARD OF EDUCATION AND THE BOARD OF  
11 SCHOOL COMMISSIONERS OF BALTIMORE CITY SHALL DEVELOP AND MAINTAIN  
12 A SYSTEM TO COLLECT DATA ON THE INCIDENCE OF BULLYING.

13                   (E) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE A VICTIM  
14 OF BULLYING FROM SEEKING ADMINISTRATIVE OR LEGAL REMEDIES UNDER AN  
15 APPLICABLE PROVISION OF LAW.

16                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2008.