

HOUSE BILL 732

F1

8lr1968

By: **Delegates Stein, Anderson, Cardin, George, Glenn, Jennings, Kach, Lafferty, Morhaim, Murphy, and Olszewski**
Introduced and read first time: February 4, 2008
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Bullying, Harassment, and Intimidation – School Policy**

3 FOR the purpose of requiring each county board of education to establish a certain
4 policy prohibiting bullying, harassment, or intimidation at school; requiring a
5 county board to develop a certain policy in consultation with certain groups;
6 requiring a county board to submit a certain policy to the State Superintendent
7 of Schools on or before a certain date and publish a copy of a certain policy in a
8 certain student handbook; requiring a county board to develop certain
9 educational programs; requiring the State Board of Education to develop a
10 certain model policy on or before a certain date; requiring a certain model policy
11 to include certain provisions; providing that a certain school employee is
12 immune from certain civil liability under certain circumstances; providing that
13 certain provisions of law may not be construed to limit certain legal rights of
14 certain victims; defining certain terms; and generally relating to school policy
15 concerning bullying, harassment, and intimidation.

16 BY adding to

17 Article – Education

18 Section 7–429

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 **7–429.**

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) “AT SCHOOL” MEANS AN ACT THAT TAKES PLACE:

4 (I) IN A SCHOOL CLASSROOM, BUILDING, OR BUS OR OTHER
5 SCHOOL-RELATED VEHICLE;

6 (II) AT AN OFFICIAL SCHOOL BUS STOP OR
7 SCHOOL-SPONSORED ACTIVITY OR EVENT, WHETHER THE EVENT IS ON SCHOOL
8 PROPERTY OR NOT; OR

9 (III) ON ANY SCHOOL-OWNED PROPERTY.

10 (3) “BULLYING” MEANS ANY INTENTIONAL NEGATIVE VERBAL,
11 PHYSICAL, OR WRITTEN ACT, INCLUDING AN INTERNET POSTING, BY ONE OR
12 MORE STUDENTS COMMITTED REPEATEDLY AND OVER TIME THAT IS DIRECTED
13 AGAINST ANOTHER STUDENT AND INTERFERES WITH THE STUDENT’S ABILITY
14 TO PARTICIPATE IN OR BENEFIT FROM A SCHOOL’S EDUCATIONAL PROGRAM.

15 (4) “HARASSMENT” MEANS ANY INTENTIONAL NEGATIVE
16 VERBAL, PHYSICAL, OR WRITTEN ACT, INCLUDING AN INTERNET POSTING, BY
17 ONE OR MORE STUDENTS DIRECTED AGAINST ANOTHER STUDENT THAT CAUSES
18 DISCOMFORT WITH THE STUDENT’S IDENTITY CHARACTERISTICS AND
19 INTERFERES WITH THE STUDENT’S ABILITY TO PARTICIPATE IN OR BENEFIT
20 FROM A SCHOOL’S EDUCATIONAL PROGRAM.

21 (5) “IDENTITY CHARACTERISTICS” INCLUDE:

22 (I) RACE;

23 (II) COLOR;

24 (III) NATIONAL ORIGIN;

25 (IV) GENDER;

26 (V) DISABILITY;

27 (VI) SEXUAL ORIENTATION;

28 (VII) RELIGION;

29 (VIII) PHYSICAL ATTRIBUTE;

1 **(IX) SOCIOECONOMIC STATUS; OR**

2 **(X) FAMILIAL STATUS.**

3 **(B) (1) EACH COUNTY BOARD SHALL ESTABLISH A POLICY**
4 **PROHIBITING BULLYING, HARASSMENT, OR INTIMIDATION AT SCHOOL.**

5 **(2) A COUNTY BOARD SHALL DEVELOP THE POLICY IN**
6 **CONSULTATION WITH REPRESENTATIVES OF THE FOLLOWING GROUPS:**

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

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

9 **(III) SCHOOL VOLUNTEERS;**

10 **(IV) STUDENTS; AND**

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

12 **(3) EACH COUNTY BOARD SHALL:**

13 **(I) SUBMIT A COPY OF THE POLICY ESTABLISHED UNDER**
14 **PARAGRAPH (1) OF THIS SUBSECTION TO THE STATE SUPERINTENDENT ON OR**
15 **BEFORE DECEMBER 1; AND**

16 **(II) PUBLISH A COPY OF THE POLICY ESTABLISHED UNDER**
17 **PARAGRAPH (1) OF THIS SUBSECTION IN THE STUDENT HANDBOOK.**

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

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

24 **(II) A TEACHER AND ADMINISTRATOR DEVELOPMENT**
25 **PROGRAM THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE**
26 **POLICY;**

27 **(III) A SYSTEM FOR COLLECTING DATA CONCERNING THE**
28 **EXPERIENCE AND PERCEPTION OF BULLIES, VICTIMS, AND BYSTANDERS; AND**

1 (IV) AN ANNUAL SURVEY TO MEASURE THE SCHOOL
2 CLIMATE CONCERNING BULLYING, HARASSMENT, AND INTIMIDATION, THE
3 RESULTS OF WHICH SHALL BE REPORTED TO THE STATE SUPERINTENDENT

4 (C) (1) THE STATE BOARD SHALL DEVELOP A MODEL BULLYING,
5 HARASSMENT, AND INTIMIDATION POLICY ON OR BEFORE OCTOBER 1, 2008.

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

8 (I) A DEFINITION OF BULLYING AND HARASSMENT THAT,
9 AT MINIMUM, INCLUDES THE COMPONENTS SET FORTH IN SUBSECTION (A) OF
10 THIS SECTION;

11 (II) A RULE PROHIBITING BULLYING, HARASSMENT, AND
12 INTIMIDATION OF STUDENTS AT SCHOOL, INCLUDING CYBER-BULLYING USING
13 SCHOOL-OWNED PROPERTY;

14 (III) A PROCEDURE FOR REPORTING AN ACT OF BULLYING,
15 HARASSMENT, OR INTIMIDATION, INCLUDING ANONYMOUS REPORTS;

16 (IV) A RULE PROHIBITING DISCIPLINING A STUDENT FOR A
17 POLICY VIOLATION BASED ONLY ON AN ANONYMOUS COMPLAINT;

18 (V) A PROCEDURE FOR PROMPTLY INVESTIGATING
19 COMPLAINTS;

20 (VI) A LIST OF CONSEQUENCES AND DISCIPLINARY ACTIONS
21 TAKEN BY A SCHOOL AGAINST STUDENTS FOUND IN VIOLATION OF THE SCHOOL
22 POLICY;

23 (VII) STANDARD CONSEQUENCES AND ACTIONS TAKEN BY
24 THE SCHOOL FOR INDIVIDUALS DETERMINED TO HAVE MADE FALSE
25 COMPLAINTS FOR THE PURPOSE OF RETALIATION OR BULLYING, HARASSING,
26 OR INTIMIDATING ANOTHER STUDENT;

27 (VIII) A RULE PROHIBITING AN INDIVIDUAL FROM
28 RETALIATING AGAINST ANOTHER INDIVIDUAL WHO REPORTS A VIOLATION OF
29 THE POLICY;

30 (IX) A RULE REQUIRING A STUDENT, SCHOOL EMPLOYEE, OR
31 SCHOOL VOLUNTEER WHO HAS WITNESSED OR HAS RELIABLE INFORMATION

1 ABOUT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION TO REPORT THE
2 INCIDENT TO THE APPROPRIATE SCHOOL AUTHORITY;

3 (X) THE TYPES OF SUPPORT SERVICES AVAILABLE TO THE
4 STUDENT BULLY, VICTIM, AND ANY BYSTANDERS; AND

5 (XI) A STUDENT AWARENESS CAMPAIGN DEVELOPED TO
6 PUBLICIZE THE POLICY.

7 (D) (1) A SCHOOL EMPLOYEE WHO REPORTS AN ACT OF BULLYING,
8 HARASSMENT, OR INTIMIDATION UNDER THIS SECTION IN ACCORDANCE WITH
9 THE COUNTY BOARD'S POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS
10 SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN REPORTING OR
11 FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION
12 UNDER THIS SECTION.

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

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