

# HOUSE BILL 1158

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8lr1694

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

Introduced and read first time: February 7, 2008

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Safe Schools Reporting Act**

3 FOR the purpose of authorizing a school staff member to report an incident of  
4 harassment or intimidation against a student; ~~repealing the sunset provision~~  
5 ~~for the Safe Schools Reporting Act~~; and generally relating to the Safe Schools  
6 Reporting Act.

7 BY repealing and reenacting, with amendments,  
8 Article – Education  
9 Section 7–424  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume and 2007 Supplement)

12 ~~BY repealing and reenacting, with amendments,~~  
13 ~~Chapter 547 of the Acts of 2005~~  
14 ~~Section 2~~

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

17 **Article – Education**

18 7–424.

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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 (a) In this section, “harassment or intimidation” means conduct, including  
2 verbal conduct, that:

3 (1) Creates a hostile educational environment by substantially  
4 interfering with a student’s educational benefits, opportunities, or performance, or  
5 with a student’s physical or psychological well-being and is:

6 (i) Motivated by an actual or a perceived personal  
7 characteristic such as race, national origin, marital status, sex, sexual orientation,  
8 gender identity, religion, or disability; or

9 (ii) Threatening or seriously intimidating; and

10 (2) Occurs on school property, at a school activity or event, or on a  
11 school bus.

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

15 (2) An incident of harassment or intimidation may be reported by:

16 (I) [a] **A** student;

17 (II) [or the] **THE** parent, guardian, or close adult relative of a  
18 student; **OR**

19 (III) **A SCHOOL STAFF MEMBER.**

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

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

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

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

25 (iii) Describe the incident, including alleged statements made by  
26 the alleged perpetrator;

27 (iv) Indicate the location of the incident;

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) A description of the act constituting the harassment or  
28 intimidation;

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

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

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

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

3 (vi) The number of false allegations reported.

4 ~~Chapter 547 of the Acts of 2005~~

5 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
6 ~~July 1, 2005. [It shall remain effective for a period of 4 years and, at the end of June~~  
7 ~~30, 2009, with no further action required by the General Assembly, this Act shall be~~  
8 ~~abrogated and of no further force and effect.]~~

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 ~~October~~ July 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.