

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 732 (Delegate Stein, *et al.*)
 Ways and Means

Bullying, Harassment, and Intimidation - School Policy

This bill requires the State Board of Education to develop a model bullying, harassment, and intimidation policy by October 1, 2008. Local boards of education must establish policies prohibiting bullying, harassment, and intimidation by December 1 and must develop educational materials to prevent bullying in schools.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: General fund expenditures would increase by an estimated \$45,000 in FY 2009 only to develop a student awareness campaign to publicize the State’s model bullying, harassment, and intimidation policy. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	45,000	0	0	0	0
Net Effect	(\$45,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local school expenditures would increase by an estimated \$1.2 million in FY 2009 to produce educational and professional development programs and to develop and administer student surveys. Future year expenditures of an estimated \$520,000 annually would be incurred for the administration of school climate surveys. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: In addition to a definition of bullying and a rule prohibiting bullying, the model policy developed by the State Board of Education must include procedures for reporting bullying, investigating reports of bullying, and disciplining students who have violated school bullying policies. The model policy must also require students, school employees, and school volunteers who have witnessed or who have reliable information about acts of bullying to report the incidents. Finally, the State board's model bullying, harassment, and intimidation policy must include a student awareness campaign developed to publicize the policy.

Policies established by local boards of education must be developed in collaboration with students, parents of students, school personnel, school volunteers, and members of the community. Copies of the local policies must be sent to the State Superintendent of Schools by December 1 and must be published in local student handbooks. A school employee who reports an act of bullying, harassment, or intimidation in accordance with the local board's policy is not civilly liable for any act or omission in reporting or failing to report an act.

Local boards of education must also develop educational programs for students, staff, volunteers, and parents as well as professional development programs that train teachers and administrators to implement the local policies. Systems for collecting data concerning the experiences and perceptions of bullies, victims, and bystanders and annual surveys to measure school climates must also be implemented by local boards. Results of the surveys must be reported to the State Superintendent of Schools.

Current Law: Each local board of education must adopt regulations designed to create and maintain within the schools under its jurisdiction an atmosphere of order and discipline necessary for effective learning. As established in State Board of Education regulations, all students in Maryland public schools, without exception and regardless of race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to education environments that are safe, optimal for academic achievement, and free from any form of harassment.

Each local board of education is required to distribute standard victim of harassment or intimidation report forms created by the Maryland State Department of Education to all the public schools in its jurisdiction. The forms are then available to be filled out by students and students' parents. Local boards must submit completed forms to the State Board of Education, and the Maryland State Department of Education must report annually on the forms received.

Background: The American Psychological Association (APA) defines bullying as “aggressive behavior that is intended to cause harm or distress, occurs repeatedly over time, and occurs in a relationship in which there is an imbalance of power or strength.” APA notes that individuals engaging in bullying behavior are generally more likely to exhibit other antisocial behaviors and that the victims of bullying often suffer from loneliness, insecurity, and thoughts of suicide. Various sources indicate that bullying incidents typically peak during middle school years.

A National Conference of State Legislatures (NCSL) policy brief on bullying notes that, since 2001, more than half of the states have enacted legislation to address and prevent bullying. For example, Maryland adopted the Safe Schools Reporting Act of 2005 (Chapter 547), which requires a uniform reporting form to be available in public schools to victims of bullying and requires annual reports from MSDE on the incidence of harassment and intimidation. As a result of the Act, MSDE has compiled forms and submitted reports describing more than 3,200 incidents of harassment and intimidation that have been reported over the last two years. In the 2007 report, the rate of reported incidents per 1,000 students ranged from 0.1 in Baltimore City to 20.7 in Somerset County. Because the rates are higher for some of the school systems that have implemented systemwide and schoolwide programs on bullying prevention (including Somerset County), the report theorizes that the wide range in reporting rates is largely the result of greater levels of bullying awareness in some school systems.

With the access that children and adolescents now have to technology, accounts of “cyberbullying” – using technology such as the Internet, e-mail, text messages, or instant messages to torment others – have become more frequent. NCSL notes that “cyberbullying differs from the more traditional forms of bullying in that it can occur at any time, ... and perpetrators can remain anonymous.” In addition, school responses to cyberbullying are sometimes problematic because, although the victims and perpetrators may be schoolmates, the acts typically do not take place on school grounds.

The National Parent-Teacher Association and APA report that the most effective bullying prevention strategies involve the entire school community. Both also recommend the integration of bullying-related content into school curricula and close adult supervision of students throughout the school day to monitor and prevent bullying behavior before it escalates.

State Expenditures: General fund expenditures would increase by an estimated \$45,000 in fiscal 2009 to contract for the development of a student awareness campaign to be included in the model bullying, harassment, and intimidation policy developed by the State Board of Education. There would be no costs after fiscal 2009.

Local Expenditures: Collectively, expenditures for the 24 local school systems would increase by an estimated \$1.2 million in fiscal 2009. The information and assumptions used to develop this estimate are described below.

- Each local school system would incur costs for the development of educational programs for students, staff, parents, and volunteers, as well as costs for the establishment of professional development programs for teachers and administrators. Assuming a total of \$20,000 per school system for the production of these programs, local school expenditures would increase by \$480,000.
- Each local school system would also incur costs for the development of an annual student survey of school climate. Assuming a total of \$10,000 per school system for the production of surveys, local school expenditures would increase by an additional \$240,000.
- Finally, each local school system would incur costs for the annual administration of its school climate survey. Based on experience with the Maryland Adolescent Survey and the Youth Tobacco Survey, both of which are administered to students, conducting the surveys would cost approximately \$8 per student. Assuming surveys would be administered to just one grade level each year, approximately 65,000 students would take the surveys at a cost of \$520,000 annually.

After fiscal 2009, only the \$520,000 annual cost of the surveys would continue.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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