

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 206
Ways and Means

(Delegate Riley, *et al.*)

Education - Student Bullying - State and School Policy

This bill requires each local board of education to adopt a policy by September 1, 2009 declaring that bullying in schools, on school property, and at school functions is against State and school policy. The policies must include the consequences for individuals who violate the policy and procedures for reporting an act of bullying and investigating complaints of bullying. Copies of the policies must be available to students, parents, school employees, and school volunteers. An individual who promptly, reasonably, and in good faith reports an act of bullying in accordance with the local policies is immune from civil or criminal liability relating to the report. Each local board of education must develop and maintain a system to collect data on the incidence of bullying.

Fiscal Summary

State Effect: None. The bill is directed at local boards of education.

Local Effect: Assuming the current system for collecting data on incidents of harassment and intimidation in schools is sufficient to meet the bill's data collection requirements, local school systems and boards of education could meet the requirements of the bill with existing personnel and resources.

Small Business Effect: None.

Analysis

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.

Local Fiscal Effect: The bill requires local boards of education to develop and maintain a system to collect data on the incidence of bullying. Current law requires local school systems to make standard victim of harassment or intimidation report forms available in all public schools for students and parents to fill out. These forms are collected by local school systems, and copies are forwarded to MSDE. If a separate system is needed to meet the bill's requirements, local school systems would incur costs associated with developing and implementing an alternative data collection system. If the existing system is sufficient, the bill would not materially affect local school budgets.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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