

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 199
Ways and Means

(Delegate Rice, *et al.*)

Education, Health, and Environmental Affairs

Public Schools - Bullying, Harassment, and Intimidation - Policy and
Disciplinary Standards

This bill requires the State Board of Education to develop a model policy that prohibits bullying, harassment, and intimidation by March 31, 2009 in consultation with local school systems. Using the State board's model policy, local boards of education have to establish policies prohibiting bullying, harassment, and intimidation by July 1, 2009 and develop educational materials to prevent bullying in schools.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: The State Board of Education could develop a model policy with existing personnel and resources.

Local Effect: Local school expenditures would increase by an estimated \$480,000 in FY 2009 to produce educational and professional development programs. There would only be minimal ongoing costs after FY 2009. **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, harassment, or intimidation and a rule prohibiting bullying and retaliation against individuals who report acts of 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 also has to include information about the support services available to students involved in or witnessing bullying and information about the availability and use of the standard bullying report forms developed by the Maryland State Department of Education.

Policies established by local boards of education must be developed in consultation with students, the parents and guardians of students, school personnel, school volunteers, and members of the community. A chain of command in the bullying reporting process has to be included in each local policy, along with the name and contact information for someone at MSDE who is familiar with bullying reporting and investigation procedures in the applicable school system. Copies of local policies must be included in student handbooks and posted on school system web sites. 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 of bullying, harassment, or intimidation.

In addition, local boards of education must 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.

Finally, the bill further specifies the current definition of harassment and intimidation and includes bullying through electronic communication as part of the definition.

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 MSDE to all the public schools in its jurisdiction. The forms are then available to be filled out by students and parents. Local boards must submit completed forms to the State Board of Education, and MSDE 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 Expenditures: Collectively, expenditures for the 24 local school systems would increase by an estimated \$480,000 in fiscal 2009. This estimate assumes that each school system would incur costs of approximately \$20,000 for the development of bullying educational programs for students, staff, parents, and volunteers and professional development programs for teachers and administrators. Only minimal costs associated with updating the programs would be incurred after fiscal 2009.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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