

SENATE BILL 863

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SB 617/11 – EHE

2lr2862
CF 2lr0979

By: **Senators Manno, Colburn, and Montgomery**
Introduced and read first time: February 3, 2012
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Dating Violence – Kristen Marie Mitchell Law**

3 FOR the purpose of adding dating violence to provisions of law requiring the reporting
4 of incidents of certain other conduct by a county board of education; altering the
5 content of a certain form and report, policies, and educational programs to
6 include incidents of dating violence; requiring the State Board of Education to
7 develop, by a certain date, a certain model policy that includes a prohibition on
8 dating violence; altering the date by which each county board is required to
9 submit a certain policy to the State Superintendent of Schools; altering certain
10 provisions of law granting certain immunity to certain school employees;
11 altering certain provisions of law relating to the legal rights of certain victims;
12 defining certain terms; and generally relating to dating violence in the public
13 schools.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 7–424 and 7–424.1
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2011 Supplement)

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

21 **Article – Education**

22 7–424.

23 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Bullying, **DATING VIOLENCE**, harassment, or intimidation”
 2 means intentional conduct, including verbal, physical, or written conduct, or an
 3 intentional electronic communication, that:

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

7 1. Motivated by an actual or a perceived personal
 8 characteristic including race, national origin, marital status, sex, sexual orientation,
 9 gender identity, religion, ancestry, physical attributes, socioeconomic status, familial
 10 status, or physical or mental ability or disability; or

11 2. Threatening or seriously intimidating; and

12 (ii) 1. Occurs on school property, at a school activity or
 13 event, or on a school bus; or

14 2. Substantially disrupts the orderly operation of a
 15 school.

16 **(3) “DATING PARTNER” MEANS ANY PERSON, REGARDLESS OF**
 17 **GENDER, INVOLVED IN AN INTIMATE RELATIONSHIP WITH ANOTHER THAT IS**
 18 **PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE**
 19 **INVOLVEMENT, WHETHER CASUAL, SERIOUS, OR LONG-TERM.**

20 **(4) “DATING VIOLENCE” MEANS A PATTERN OF BEHAVIOR IN**
 21 **WHICH ONE PERSON USES THE THREATS OF, OR ACTUALLY USES, PHYSICAL,**
 22 **SEXUAL, VERBAL, OR EMOTIONAL ABUSE TO CONTROL THE PERSON’S DATING**
 23 **PARTNER.**

24 **[(3)] (5) “Electronic communication” means a communication**
 25 **transmitted by means of an electronic device, including a telephone, cellular phone,**
 26 **computer, or pager.**

27 (b) (1) The Department shall require a county board to report incidents of
 28 bullying, **DATING VIOLENCE**, harassment, or intimidation against students attending
 29 a public school under the jurisdiction of the county board.

30 (2) An incident of bullying, **DATING VIOLENCE**, harassment, or
 31 intimidation may be reported by:

32 (i) A student;

33 (ii) The parent, guardian, or close adult relative of a student; or

1 (iii) A school staff member.

2 (c) (1) The Department shall create a standard victim of bullying,
3 **DATING VIOLENCE**, harassment, or intimidation report form.

4 (2) Each victim of bullying, **DATING VIOLENCE**, harassment, or
5 intimidation report form shall:

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

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

8 (iii) Describe the incident, including alleged statements made by
9 the alleged perpetrator;

10 (iv) Indicate the location of the incident;

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

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

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

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

19 (3) A county board shall distribute copies of the victim of bullying,
20 **DATING VIOLENCE**, harassment, or intimidation report form to each public school
21 under the county board's jurisdiction.

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

24 (2) A county board shall delete any information that identifies an
25 individual.

26 (e) The information contained in a victim of bullying, **DATING VIOLENCE**,
27 harassment, or intimidation report form in accordance with subsection (c) of this
28 section:

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

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

3 (f) (1) The Department shall submit a report on or before March 31 each
4 year to the Senate Education, Health, and Environmental Affairs Committee and the
5 House Ways and Means Committee, in accordance with § 2-1246 of the State
6 Government Article, consisting of a summary of the information included in the victim
7 of bullying, **DATING VIOLENCE**, harassment, or intimidation report forms filed with
8 the county boards the previous year.

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

11 (i) A description of the act constituting the bullying, **DATING**
12 **VIOLENCE**, harassment, or intimidation;

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

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

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

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

19 (vi) The number of false allegations reported.

20 7-424.1.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Bullying, **DATING VIOLENCE**, harassment, or intimidation"
23 means intentional conduct, including verbal, physical, or written conduct, or an
24 intentional electronic communication, that:

25 (i) Creates a hostile educational environment by substantially
26 interfering with a student's educational benefits, opportunities, or performance, or
27 with a student's physical or psychological well-being and is:

28 1. Motivated by an actual or a perceived personal
29 characteristic including race, national origin, marital status, sex, sexual orientation,
30 gender identity, religion, ancestry, physical attribute, socioeconomic status, familial
31 status, or physical or mental ability or disability; or

32 2. Threatening or seriously intimidating; and

1 (ii) 1. Occurs on school property, at a school activity or
2 event, or on a school bus; or

3 2. Substantially disrupts the orderly operation of a
4 school.

5 (3) “**DATING PARTNER**” MEANS ANY PERSON, REGARDLESS OF
6 GENDER, INVOLVED IN AN INTIMATE RELATIONSHIP WITH ANOTHER THAT IS
7 PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE
8 INVOLVEMENT, WHETHER CASUAL, SERIOUS, OR LONG-TERM.

9 (4) “**DATING VIOLENCE**” MEANS A PATTERN OF BEHAVIOR IN
10 WHICH ONE PERSON USES THE THREATS OF, OR ACTUALLY USES, PHYSICAL,
11 SEXUAL, VERBAL, OR EMOTIONAL ABUSE TO CONTROL THE PERSON’S DATING
12 PARTNER.

13 [(3)] (5) “Electronic communication” means a communication
14 transmitted by means of an electronic device, including a telephone, cellular phone,
15 computer, or pager.

16 (b) (1) By March 31, [2009] **2013**, the State Board, after consultation
17 with and input from local school systems, shall develop a model policy prohibiting
18 bullying, **DATING VIOLENCE**, harassment, or intimidation in schools.

19 (2) The model policy developed under paragraph (1) of this subsection
20 shall include:

21 (i) A statement prohibiting bullying, **DATING VIOLENCE**,
22 harassment, and intimidation in schools;

23 (ii) A statement prohibiting reprisal or retaliation against
24 individuals who report acts of bullying, **DATING VIOLENCE**, harassment, or
25 intimidation;

26 (iii) A definition of bullying, **DATING VIOLENCE**, harassment, or
27 intimidation that is either the same as set forth in subsection [(a)(2)] **(A)** of this
28 section or a definition that is not less inclusive than that definition;

29 (iv) Standard consequences and remedial actions for persons
30 committing acts of bullying, **DATING VIOLENCE**, harassment, or intimidation and for
31 persons engaged in reprisal or retaliation;

32 (v) Standard consequences and remedial actions for persons
33 found to have made false accusations;

1 (vi) Model procedures for reporting acts of bullying, **DATING**
2 **VIOLENCE**, harassment, and intimidation;

3 (vii) Model procedures for the prompt investigation of acts of
4 bullying, **DATING VIOLENCE**, harassment, and intimidation;

5 (viii) Information about the types of support services available to
6 the student bully, victim, and any bystanders; and

7 (ix) Information regarding the availability and use of the
8 bullying, **DATING VIOLENCE**, harassment, or intimidation form under § 7-424 of this
9 subtitle.

10 (c) (1) Each county board shall establish a policy prohibiting bullying,
11 **DATING VIOLENCE**, harassment, or intimidation at school based on the model policy.

12 (2) The policy shall address the components of the model policy
13 specified in subsection (b)(2) of this section.

14 (3) A county board shall develop the policy in consultation with
15 representatives of the following groups:

16 (i) Parents or guardians of students;

17 (ii) School employees and administrators;

18 (iii) School volunteers;

19 (iv) Students; and

20 (v) Members of the community.

21 (d) Each county board shall publicize its policy in student handbooks, school
22 system websites, and any other location or venue the county board determines is
23 necessary or appropriate.

24 (e) Each county board policy shall include information on the procedure for
25 reporting incidents of bullying, **DATING VIOLENCE**, harassment, or intimidation,
26 including:

27 (1) A chain of command in the reporting process; and

28 (2) The name and contact information for an employee of the
29 Department, designated by the Department, who is familiar with the reporting and
30 investigation procedures in the applicable school system.

1 (f) Each county board shall submit its policy to the State Superintendent by
2 July 1, [2009] **2013**.

3 (g) Each county board shall develop the following educational programs in its
4 efforts to prevent bullying, **DATING VIOLENCE**, harassment, and intimidation in
5 schools:

6 (1) An educational bullying, **DATING VIOLENCE**, harassment, and
7 intimidation prevention program for students, staff, volunteers, and parents; and

8 (2) A teacher and administrator development program that trains
9 teachers and administrators to implement the policy.

10 (h) (1) A school employee who reports an act of bullying, **DATING**
11 **VIOLENCE**, harassment, or intimidation under this section in accordance with the
12 county board's policy established under subsection (c) of this section is not civilly liable
13 for any act or omission in reporting or failing to report an act of bullying, **DATING**
14 **VIOLENCE**, harassment, or intimidation under this section.

15 (2) The provisions of this section may not be construed to limit the
16 legal rights of a victim of bullying, **DATING VIOLENCE**, harassment, or intimidation.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2012.