

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1379
Ways and Means

(Delegate Long)

Baltimore County Public Schools - Student Misconduct - Penalty for Parent or Guardian

This bill prohibits a public school student from Baltimore County from violating the Baltimore County Board of Education’s bullying, harassment, and intimidation policy by bullying, harassing, or intimidating another individual at school or retaliating against an individual for reporting such an act. Further, a public school student may not violate the Baltimore County Public School’s Code of Student Conduct by fighting. Any person who has legal custody or care and control of a student who is the subject of at least four reports of a violation is subject to a civil fine not to exceed \$1,000. The court may suspend the fine and establish terms and conditions that would promote positive behavioral changes of the student. In determining the amount of the fine or whether to suspend the fine the court must consider specified information. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill’s penalty provision for those cases heard in the District Court. No effect on expenditures.

Local Effect: None. Baltimore County Public Schools can refer individuals in violation using existing resources.

Small Business Effect: None.

Analysis

Bill Summary: “Fighting” is defined as an act of or credible threat of physical violence against another individual. “Fighting” includes assault as defined in Section 3-201 of the

Criminal Law Article which states that “assault” means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings.

Specifically, in determining the amount of the fine or whether to suspend the fine, the court must consider (1) the actions of the parent or guardian in response to each report from the student’s school regarding the student’s conduct; (2) the actions taken by the school to modify the student’s conduct and to notify the student’s parent or guardian of the student’s reported conduct; and (3) any other information the court determines appropriate.

Current Law/Background: Chapter 489 of 2008 required 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 had to establish policies prohibiting bullying, harassment, and intimidation by July 1, 2009, and develop educational materials to prevent bullying in schools.

[Maryland’s Model Policy to Address Bullying, Harassment, or Intimidation](#) was last updated July 2016 and can be found on the Maryland State Department of Education (MSDE) website. The Baltimore County Board of Education’s [Bullying, Cyberbullying, Harassment or Intimidation Policy](#) is called Rule 5580 and can be found on the Baltimore County Public Schools website. The most recent Code of Student Conduct for the Baltimore County Public Schools can be found in the [2017-2018 student handbook](#).

Depending on the type of fighting, it can be classified as a category I, II, or III offense.

According to the 2017-2018 handbook, the following are possible disciplinary responses for category I offenses:

- suspend student temporarily from bus transportation for bus-related offenses;
- exclude the student from participating in extracurricular/co-curricular programs or activities (temporarily or permanently);
- assign student to Saturday school;
- assign student an in-school suspension;
- suspend student from school when appropriate interventions or supports did not result in positive behavior changes by the student; and
- warn student and parent of category II disciplinary action.

According to the 2017-2018 handbook, the following are possible disciplinary responses for category II offenses:

- exclude the student from participating in extracurricular/co-curricular programs or activities (temporarily or permanently);
- assign student to an in-school suspension;
- suspend student temporarily from bus transportation for bus-related offenses;
- suspend student to pupil personnel worker;
- suspend student from school; and
- suspend student to the superintendent's designee with the recommendation for reassignment to an alternative program when deemed appropriate by the school administrator.

According to the 2017-2018 handbook, the following are possible disciplinary responses for category III offenses:

- exclude student from participating in extracurricular/co-curricular programs or activities (temporarily or permanently);
- suspend student from school;
- suspend student to the superintendent's designee with the recommendation for reassignment to an alternative program or expulsion and transfer to an alternative program;
- refer student to an appropriate Baltimore County agency (mandatory for arson and criminal activities); and
- require student to complete mandatory substance abuse program for drug, alcohol, and/or tobacco violations.

“Bullying, harassment, or intimidation” is defined by MSDE as intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being and is (1) motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability or (2) threatening or seriously intimidating and occurs on school property, at a school activity or event, or on a school bus; or substantially disrupts the orderly operation of a school.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County Public Schools; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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nb/rhh

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