

# HOUSE BILL 865

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HB 1382/18 – W&M

9lr1675

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By: **Delegate Long**

Introduced and read first time: February 8, 2019

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Misconduct – Parent or Guardian Liability**

3 FOR the purpose of prohibiting a certain student from violating a county board of  
4 education’s bullying, harassment, and intimidation policy by performing certain  
5 actions; prohibiting a certain student from violating a county board’s student code of  
6 conduct by fighting; establishing a certain penalty for a certain parent or guardian  
7 of a certain student; authorizing a court to suspend a certain fine under certain  
8 circumstances; requiring a court to consider certain information when making a  
9 certain determination; defining certain terms; and generally relating to a penalty for  
10 student misconduct for the parent or guardian of a certain student in a public school.

11 BY adding to

12 Article – Education

13 Section 7–424.4

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2018 Supplement)

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

18 **Article – Education**

19 **7–424.4.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (2) “BULLYING, HARASSMENT, OR INTIMIDATION” HAS THE MEANING  
23 STATED IN § 7–424.1 OF THIS SUBTITLE.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) (I) “FIGHTING” MEANS AN ACT OF OR A CREDIBLE THREAT OF**  
2 **PHYSICAL VIOLENCE AGAINST ANOTHER INDIVIDUAL.**

3           **(II) “FIGHTING” INCLUDES ASSAULT AS DEFINED IN § 3-201 OF**  
4 **THE CRIMINAL LAW ARTICLE.**

5           **(B) A STUDENT ENROLLED IN A PUBLIC SCHOOL MAY NOT VIOLATE A**  
6 **COUNTY BOARD’S BULLYING, HARASSMENT, OR INTIMIDATION POLICY**  
7 **ESTABLISHED UNDER § 7-424.1(C) OF THIS SUBTITLE BY:**

8           **(1) BULLYING, HARASSING, OR INTIMIDATING ANOTHER INDIVIDUAL**  
9 **AT SCHOOL; OR**

10           **(2) RETALIATING AGAINST AN INDIVIDUAL FOR REPORTING AN ACT**  
11 **OF BULLYING, HARASSMENT, OR INTIMIDATION TO THE SCHOOL.**

12           **(C) A STUDENT ENROLLED IN A PUBLIC SCHOOL MAY NOT VIOLATE A**  
13 **COUNTY BOARD’S STUDENT CODE OF CONDUCT BY FIGHTING.**

14           **(D) (1) ANY PARENT OR GUARDIAN OF A STUDENT ENROLLED IN A PUBLIC**  
15 **SCHOOL WHO IS THE SUBJECT OF AT LEAST FOUR REPORTS OF A VIOLATION OF**  
16 **SUBSECTION (B) OR (C) OF THIS SECTION IS SUBJECT TO A CIVIL FINE NOT TO**  
17 **EXCEED \$1,000.**

18           **(2) THE COURT MAY SUSPEND THE FINE AND ESTABLISH TERMS AND**  
19 **CONDITIONS THAT WOULD PROMOTE POSITIVE BEHAVIORAL CHANGES IN THE**  
20 **STUDENT.**

21           **(3) IN DETERMINING THE AMOUNT OF THE FINE OR WHETHER TO**  
22 **SUSPEND THE FINE UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER:**

23           **(I) THE ACTIONS OF THE STUDENT’S PARENT OR GUARDIAN IN**  
24 **RESPONSE TO EACH REPORT FROM THE STUDENT’S SCHOOL REGARDING THE**  
25 **STUDENT’S CONDUCT;**

26           **(II) THE ACTIONS TAKEN BY THE SCHOOL TO MODIFY THE**  
27 **STUDENT’S CONDUCT AND TO NOTIFY THE STUDENT’S PARENT OR GUARDIAN OF THE**  
28 **STUDENT’S REPORTED CONDUCT; AND**

29           **(III) ANY OTHER INFORMATION THE COURT DETERMINES**  
30 **APPROPRIATE.**

31           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
32 1, 2019.