

HOUSE BILL 576

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3lr1775
CF SB 629

By: **Delegates Ebersole, Crutchfield, McCaskill, Pasteur, Stein, and Vogel**

Introduced and read first time: February 3, 2023

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2023

CHAPTER _____

1 AN ACT concerning

2 **Primary and Secondary Education – Policies on Bullying, Harassment, or**
3 **Intimidation – Revisions**

4 FOR the purpose of altering certain requirements for a model policy prohibiting bullying,
5 harassment, or intimidation in public and nonpublic schools; prohibiting public and
6 nonpublic school employees from being civilly liable for reporting or failing to report
7 an act of bullying, harassment, or intimidation under certain circumstances;
8 requiring the State Board of Education and each nonpublic school to update a certain
9 policy on or before a certain date; and generally relating to public and nonpublic
10 school policies on bullying, harassment, or intimidation.

11 BY repealing and reenacting, with amendments,

12 Article – Education

13 Section ~~7-424(b), 7-424.1(b), and 7-424.3(e)~~ 7-424.1(b) and (h), and 7-424.3(c) and
14 (g)

15 Annotated Code of Maryland

16 (2022 Replacement Volume)

17 BY repealing and reenacting, without amendments,

18 Article – Education

19 Section 7-424.1(c)(1) and 7-424.3(b)

20 Annotated Code of Maryland

21 (2022 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Education**

4 7–424.

5 (b) (1) The Department shall require a county board to report incidents of
6 bullying, harassment, or intimidation against students attending a public school under the
7 jurisdiction of the county board.

8 (2) An incident of bullying, harassment, or intimidation may be reported
9 by:

10 (i) A student; **OR**

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

12 (iii) A school staff member].

13 **(3) IF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (2)(II) OF THIS**
14 **SUBSECTION DOES NOT REPORT AN INCIDENT OF BULLYING, HARASSMENT, OR**
15 **INTIMIDATION WITHIN A REASONABLE PERIOD OF TIME, A QUALIFIED SCHOOL**
16 **STAFF MEMBER, ASSIGNED BY THE SCHOOL ADMINISTRATION, SHALL REPORT THE**
17 **INCIDENT.**

18 7–424.1.

19 (b) (1) By March 31, 2009, the State Board, after consultation with and input
20 from local school systems, shall develop a model policy prohibiting bullying, harassment,
21 or intimidation in schools.

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

24 (i) A statement prohibiting bullying, harassment, and intimidation
25 in schools;

26 (ii) A statement prohibiting reprisal or retaliation against
27 individuals who report acts of bullying, harassment, or intimidation;

28 (iii) A definition of bullying, harassment, or intimidation that is
29 either the same as set forth in subsection (a) of this section or a definition that is not less
30 inclusive than that definition;

1 (iv) Standard consequences and remedial actions for persons
2 committing acts of bullying, harassment, or intimidation and for persons engaged in
3 reprisal or retaliation;

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

6 (vi) Model procedures for reporting acts of bullying, harassment, and
7 intimidation;

8 (vii) Model procedures for providing notice of an act of bullying,
9 harassment, or intimidation to:

10 1. [A] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
11 **SUBSECTION, A parent or guardian of the alleged victim, within [3 business days] 12**
12 **HOURS after the [date] TIME the act is reported; and**

13 2. A parent or guardian of the alleged perpetrator, within 5
14 business days after the date the act is reported;

15 (viii) Model procedures for the prompt investigation of acts of bullying,
16 harassment, and intimidation;

17 (ix) Information about the types of support services available to the
18 student bully, victim, and any bystanders;

19 (x) Information regarding the availability and use of the bullying,
20 harassment, or intimidation form under § 7-424 of this subtitle; and

21 (xi) Information regarding the availability and use of an anonymous
22 two-way electronic tip program established under § 7-424 of this subtitle.

23 **(3) IF AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IS**
24 **DETERMINED TO BE MOTIVATED BY THE ALLEGED VICTIM'S ACTUAL OR PERCEIVED**
25 **SEX, SEXUAL ORIENTATION, OR GENDER IDENTITY, NOTIFICATION TO THE PARENT**
26 **OR GUARDIAN OF THE ALLEGED VICTIM SHALL BE AT THE DISCRETION OF THE**
27 **ALLEGED VICTIM.**

28 **[(3)] (4)** By September 1, 2016, and every 5 years thereafter, the State
29 Board, after consultation with local school systems, shall update the model policy required
30 under paragraph (1) of this subsection.

31 (c) (1) Each county board shall establish a policy prohibiting bullying,
32 harassment, or intimidation at school based on the model policy.

1 (h) (1) A school employee [who reports an act of bullying, harassment, or
 2 intimidation under this section in accordance with the county board's policy established
 3 under subsection (c) of this section] is not civilly liable for any act or omission in reporting
 4 or failing to report an act of bullying, harassment, or intimidation under this section IF
 5 THE SCHOOL EMPLOYEE:

6 **(I) REPORTS AN ACT OF BULLYING, HARASSMENT, OR**
 7 **INTIMIDATION UNDER THIS SECTION IN ACCORDANCE WITH THE COUNTY BOARD'S**
 8 **POLICY ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION; AND**

9 **(II) DOES NOT NOTIFY A PARENT OR GUARDIAN ABOUT AN ACT**
 10 **OF BULLYING, HARASSMENT, OR INTIMIDATION AT THE DISCRETION OF THE**
 11 **ALLEGED VICTIM IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (B)(3)**
 12 **OF THIS SECTION.**

13 (2) The provisions of this section may not be construed to limit the legal
 14 rights of a victim of bullying, harassment, or intimidation.

15 7-424.3.

16 (b) By March 31, 2012, each nonpublic school shall adopt a policy prohibiting
 17 bullying, harassment, and intimidation.

18 (c) **(1)** The policy adopted under subsection (b) of this section shall include:

19 **[(1)] (I)** A statement prohibiting bullying, harassment, and intimidation
 20 in the school;

21 **[(2)] (II)** A statement prohibiting reprisal or retaliation against
 22 individuals who report acts of bullying, harassment, or intimidation;

23 **[(3)] (III)** A definition of bullying, harassment, and intimidation that is
 24 either the same as set forth in subsection (a) of this section or a definition that is not less
 25 inclusive than that definition;

26 **[(4)] (IV)** Standard consequences and remedial actions for persons
 27 committing acts of bullying, harassment, or intimidation and for persons engaged in
 28 reprisal or retaliation, including:

29 **[(i)] 1.** Specific penalties for persons who repeatedly commit acts
 30 of bullying, harassment, or intimidation; and

31 **[(ii)] 2.** A requirement that persons who commit acts of bullying,
 32 harassment, or intimidation receive educational and therapeutic services concerning
 33 bullying prevention;

1 [(5)] (V) Standard consequences and remedial actions for persons found
2 to have made false accusations;

3 [(6)] (VI) Standard procedures for reporting acts of bullying, harassment,
4 or intimidation, including a chain of command in the reporting process;

5 [(7)] (VII) Standard procedures for providing notice of an act of bullying,
6 harassment, or intimidation to:

7 [(i)] 1. [A] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
8 **SUBSECTION, A parent or guardian of the alleged victim, within [3 business days] 12**
9 **HOURS after the [date] TIME the act is reported; and**

10 [(ii)] 2. A parent or guardian of the alleged perpetrator, within 5
11 business days after the date the act is reported;

12 [(8)] (VIII) Standard procedures for the prompt investigation of acts of
13 bullying, harassment, or intimidation;

14 [(9)] (IX) Standard procedures for protecting victims of bullying,
15 harassment, or intimidation from additional acts of bullying, harassment, or intimidation,
16 and from retaliation; and

17 [(10)] (X) Information about the types of support services available to a
18 student bully or victim and any bystanders.

19 **(2) IF AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IS**
20 **DETERMINED TO BE MOTIVATED BY THE ALLEGED VICTIM'S ACTUAL OR PERCEIVED**
21 **SEX, SEXUAL ORIENTATION, OR GENDER IDENTITY, NOTIFICATION TO THE PARENT**
22 **OR GUARDIAN OF THE ALLEGED VICTIM SHALL BE AT THE DISCRETION OF THE**
23 **ALLEGED VICTIM.**

24 (g) An employee of a nonpublic school [who reports an act of bullying,
25 harassment, or intimidation in accordance with the nonpublic school's policy adopted under
26 subsection (b) of this section] is not civilly liable for any act or omission in reporting or
27 failing to report an act of bullying, harassment, or intimidation in accordance with the
28 policy IF THE NONPUBLIC SCHOOL EMPLOYEE:

29 **(1) REPORTS AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION**
30 **UNDER THIS SECTION IN ACCORDANCE WITH THE NONPUBLIC SCHOOL'S POLICY**
31 **ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION; AND**

32 **(2) DOES NOT NOTIFY A PARENT OR GUARDIAN ABOUT AN ACT OF**
33 **BULLYING, HARASSMENT, OR INTIMIDATION AT THE DISCRETION OF THE ALLEGED**

1 VICTIM IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (C)(2) OF THIS
2 SECTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That:

4 (a) On or before September 1, 2023, the State Board of Education shall update
5 the model policy prohibiting bullying, harassment, and intimidation in public schools
6 required under § 7-424.1 of the Education Article, as enacted by Section 1 of this Act.

7 (b) On or before September 1, 2023, each nonpublic school shall update its policy
8 prohibiting bullying, harassment, and intimidation in nonpublic schools required under §
9 7-424.3 of the Education Article, as enacted by Section 1 of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.