



MARYLAND
CATHOLIC
CONFERENCE

February 22, 2023

HB 576
Primary and Secondary Education –
Policies on Bullying, Harassment, or Intimidation - Revisions

House Ways & Means Committee
Position: INFORMATION ONLY

The Maryland Catholic Conference offers this STATEMENT OF INFORMATION on House Bill 576. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

In 2011, the General Assembly passed legislation to require nonpublic schools to adopt a policy prohibiting bullying, harassment, and intimidation. Accordingly, our schools have complied with the same for over a decade. Our schools post such policies in their student handbooks and train teachers and administrators to implement the policies. Bullying report forms are readily available to students and incident reporting is encouraged.

House Bill 576 would require the State Board of Education and each nonpublic school to update their policies to require twelve-hour notification, as opposed to the three days in current protocol. This presents challenges in its own right, simply because administrators need time to do their diligence in fact-finding before making what might amount to a serious and accusatory report.

Additionally, this bill creates an exception for the notice requirement where the student objects as follows: *“if an act of bullying, harassment, or intimidation is determined to be motivated by the alleged victim’s actual or perceived sex, sexual orientation, or gender identity, notification to the parent or guardian of the alleged victim shall be at the discretion of the alleged victim.”* For school administrators, this presents a serious challenge, both in terms of parental rights and potential liability. It is not only a difficult call for an administrator, but also alarming to parents to not have the right to be privy to troubling or dangerous situations that their own children might be exposed to. Lastly, there are obvious liability concerns if a student were to be later seriously injured through an act of subsequent bullying, wherein the parent or guardian was not notified of an ongoing issue. The civil liability exemptions in the law may not cover every scenario relative to student input or shorter notification period prescribed by this bill.

We express concerns over both the uncertain terms and liability potential created by these clauses. Moreover, the provisions are somewhat conflicting. Does the twelve-hour reporting period include time waiting for the student to consent? If so, which appears affirmative on its face, would administrators have a very difficult time complying with this short window? While House Bill 576 may be well-intentioned, its provisions raise some serious concerns for administrators, parents and students.