

BILL: House Bill 576
TITLE: Primary and Secondary Education - Policies on Bullying, Harassment, or Intimidation - Revisions
DATE: February 22, 2023
POSITION: OPPOSE
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE) opposes House Bill 576 which would both mandate certain bullying reports by staff in the absence of student or parental reports, and also prohibit school staff reporting of other bullying incidents based on the underlying motivation for the bullying incident. While MABE recognizes that each of these proposals are grounded in well-intended outcomes for students, the practical application and legal ramifications of these mandated procedures raise serious concerns.

MABE appreciates the General Assembly's strong interest in promoting efforts to reduce incidents of bullying, harassment and intimidation of students. Each of Maryland's twenty-four local school systems take very seriously the challenge and responsibility to address bullying every day, in each of the more than 1,400 public schools across the State. MABE believes that the issues of education, prevention, and responses to the harassment and intimidation, or bullying, of students is being responsibly addressed through existing state and local school system policies and procedures. At the same time, MABE recognizes the need for continued improvements in the law and local school system policies and practices. For example, MABE has supported changes in the law to facilitate the investigation of alleged acts of bullying and particularly cyber bullying and to expedite the protection of victims.

Legislation was enacted in 2016 to ensure that the State's model bullying policy and each local board's bullying policy was updated to appropriately address cyber bullying. This relatively new and extraordinarily harmful phenomena is a serious issue worthy of our collective efforts. Senate Bill 725 would complement these efforts among school administrators and educators and in the courts. Specifically, this bill would clarify the reporting avenues and assurances of liability protection for school principals reporting students and participating in investigations.

Maryland's State Board of Education adopted regulations 20 years ago to address bullying, which state: "All students in Maryland's public schools, without exception and regardless of race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to educational environments that are safe, appropriate for academic achievement, and free from any form of harassment." (COMAR 13A.01.04.03) The adoption of this language was controversial and took several years to complete. However, the State Board's final action sent a clear signal to all local school systems to bolster efforts to eliminate bullying and harassment, and to respond swiftly and appropriately when such incidents do occur.

For nearly as long, since 2005 the Safe Schools Reporting Act has required MSDE to develop and implement a statewide bullying reporting system. In addition, MSDE has published and distributed a "Harassment or Intimidation (Bullying) Reporting Form", and the "Harassment or Intimidation (Bullying) Incident School Investigation Form;" and collects the locally reported data and compiles annual reports. The activities represent substantial state involvement in monitoring the extent of, and responses to, bullying incidents in local school systems.

Local school boards and superintendents recognize the need for collaboration in developing strategies to reduce incidents of bullying and the need to share best practices. MABE believes this reporting system has raised awareness regarding the importance of sustaining efforts to respond to every incident of bullying that occurs.

In addition to complying with the requirements of the Safe Schools Reporting Act, school boards have adopted policies and directed superintendents to adopt corresponding procedures to prohibit and respond to incidents of bullying. Local school systems place a very high priority on providing an environment in which students feel safe in order to learn and flourish. School systems make clear to all students that any conduct that threatens the safety and sense of well-being of other students and staff will not be tolerated and disciplinary action may be taken. School systems emphasize the need for immediate reporting of all incidents to a teacher, school administrator or other school staff, and all complaints concerning bullying are required to be fully investigated.

Again, MABE believes the provisions of House Bill 576 are not aligned with the need for case-by-case decision-making and the professional judgement of educators and administrators in the reporting, investigation, and disciplinary actions taken in response to incidents of bullying, harassment, or intimidation against public school students for any reason.

For these reasons, MABE requests an unfavorable report on House Bill 576.