

HOUSE BILL 685

F1

11r2286
CF SB 549

By: **Delegates Kaiser, Barkley, Burns, Cardin, Cullison, DeBoy, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, A. Kelly, Kramer, Lafferty, Luedtke, McIntosh, Mizeur, Morhaim, Reznik, S. Robinson, Simmons, Stein, Summers, V. Turner, Valentino-Smith, and Waldstreicher**

Introduced and read first time: February 10, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Bullying Safety Risks and Health Problems – Parental**
3 **Information**

4 FOR the purpose of requiring the State Department of Education, in collaboration
5 with the Department of Health and Mental Hygiene, to provide certain
6 information by a certain date to county boards of education relating to certain
7 safety risks and health problems; requiring certain public schools to send
8 certain information to certain parents and guardians; and generally relating to
9 the dissemination of information on the safety risks and health problems
10 associated with bullying.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 7–424.1
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2010 Supplement)

16 Preamble

17 WHEREAS, Bullying is a public health hazard linked to morbidity and
18 mortality affecting those who are bullied as well as those who bully others; and

19 WHEREAS, Students who are bullied or bully others are at high risk of an
20 array of health hazards, including suicidal thoughts, plans, or attempts, accidental
21 injuries, runaway episodes, involvement in physical fights, carrying weapons, drug
22 and alcohol abuse, eating disorders, and clusters of frequently occurring symptoms,
23 including headaches, stomachaches, depression, irritability, anxiety, and sleeping
24 disorders; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, There is a need to raise awareness about these safety risks and
2 health problems for the parents and guardians of victims of bullying and perpetrators
3 of bullying; now, therefore,

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

6 **Article – Education**

7 7–424.1.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) “Bullying, harassment, or intimidation” means intentional conduct,
10 including verbal, physical, or written conduct, or an intentional electronic
11 communication, that:

12 (i) Creates a hostile educational environment by substantially
13 interfering with a student’s educational benefits, opportunities, or performance, or
14 with a student’s physical or psychological well-being and is:

15 1. Motivated by an actual or a perceived personal
16 characteristic including race, national origin, marital status, sex, sexual orientation,
17 gender identity, religion, ancestry, physical attribute, socioeconomic status, familial
18 status, or physical or mental ability or disability; or

19 2. Threatening or seriously intimidating; and

20 (ii) 1. Occurs on school property, at a school activity or
21 event, or on a school bus; or

22 2. Substantially disrupts the orderly operation of a
23 school.

24 (3) “Electronic communication” means a communication transmitted
25 by means of an electronic device, including a telephone, cellular phone, computer, or
26 pager.

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

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

32 (i) A statement prohibiting bullying, harassment, and
33 intimidation in schools;

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

3 (iii) A definition of bullying, harassment, or intimidation that is
4 either the same as set forth in subsection (a)(2) of this section or a definition that is
5 not less inclusive than that definition;

6 (iv) Standard consequences and remedial actions for persons
7 committing acts of bullying, harassment, or intimidation and for persons engaged in
8 reprisal or retaliation;

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

11 (vi) Model procedures for reporting acts of bullying, harassment,
12 and intimidation;

13 (vii) Model procedures for the prompt investigation of acts of
14 bullying, harassment, and intimidation;

15 (viii) Information about the types of support services available to
16 the student bully, victim, and any bystanders; and

17 (ix) Information regarding the availability and use of the
18 bullying, harassment, or intimidation form under § 7-424 of this subtitle.

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

21 (2) The policy shall address the components of the model policy
22 specified in subsection (b)(2) of this section.

23 (3) A county board shall develop the policy in consultation with
24 representatives of the following groups:

25 (i) Parents or guardians of students;

26 (ii) School employees and administrators;

27 (iii) School volunteers;

28 (iv) Students; and

29 (v) Members of the community.

1 (d) Each county board shall publicize its policy in student handbooks, school
2 system websites, and any other location or venue the county board determines is
3 necessary or appropriate.

4 (e) Each county board policy shall include information on the procedure for
5 reporting incidents of bullying, harassment, or intimidation, including:

6 (1) A chain of command in the reporting process; and

7 (2) The name and contact information for an employee of the
8 Department, designated by the Department, who is familiar with the reporting and
9 investigation procedures in the applicable school system.

10 (f) Each county board shall submit its policy to the State Superintendent by
11 July 1, 2009.

12 (g) Each county board shall develop the following educational programs in its
13 efforts to prevent bullying, harassment, and intimidation in schools:

14 (1) An educational bullying, harassment, and intimidation prevention
15 program for students, staff, volunteers, and parents; and

16 (2) A teacher and administrator development program that trains
17 teachers and administrators to implement the policy.

18 (h) (1) A school employee who reports an act of bullying, harassment, or
19 intimidation under this section in accordance with the county board's policy
20 established under subsection (c) of this section is not civilly liable for any act or
21 omission in reporting or failing to report an act of bullying, harassment, or
22 intimidation under this section.

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

25 **(I) (1) BY MARCH 31, 2012, THE DEPARTMENT, IN COLLABORATION**
26 **WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL PROVIDE**
27 **INFORMATION TO COUNTY BOARDS THAT:**

28 **(I) DESCRIBES THE SAFETY RISKS AND HEALTH PROBLEMS**
29 **THAT MAY AFFECT A STUDENT WHO IS A VICTIM OR AN ALLEGED PERPETRATOR**
30 **OF BULLYING, HARASSMENT, OR INTIMIDATION; AND**

31 **(II) INCLUDES GUIDANCE TO A PARENT OR GUARDIAN OF A**
32 **VICTIM OR AN ALLEGED PERPETRATOR OF BULLYING, HARASSMENT, OR**
33 **INTIMIDATION ON WHEN IT IS APPROPRIATE TO CONTACT A PEDIATRIC**
34 **PRIMARY CARE PROVIDER.**

1 **(2) A PUBLIC SCHOOL ATTENDED BY A VICTIM OF BULLYING,**
2 **HARASSMENT, OR INTIMIDATION SHALL SEND A COPY OF THE INFORMATION**
3 **DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE PARENT OR**
4 **GUARDIAN OF:**

5 **(i) THE VICTIM; AND**

6 **(ii) THE ALLEGED PERPETRATOR.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2011.