

HOUSE BILL 685

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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~~ Waldstreicher, and Walker**

Introduced and read first time: February 10, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2011

CHAPTER _____

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~~ Board of Education to
9 include certain information on certain safety risks and health and mental
10 problems in a certain model policy; and generally relating to the dissemination
11 of information on the safety risks and health problems associated with bullying.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7-424.1
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2010 Supplement)

17 Preamble

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

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

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

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

14 **Article – Education**

15 7–424.1.

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

17 (2) “Bullying, harassment, or intimidation” means intentional conduct,
18 including verbal, physical, or written conduct, or an intentional electronic
19 communication, that:

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

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

27 2. Threatening or seriously intimidating; and

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

30 2. Substantially disrupts the orderly operation of a
31 school.

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

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

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

6 (i) A statement prohibiting bullying, harassment, and
7 intimidation in schools;

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

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

13 (iv) Standard consequences and remedial actions for persons
14 committing acts of bullying, harassment, or intimidation and for persons engaged in
15 reprisal or retaliation;

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

18 (vi) Model procedures for reporting acts of bullying, harassment,
19 and intimidation;

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

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

24 (ix) **INFORMATION ON THE SAFETY RISKS AND HEALTH AND**
25 **MENTAL PROBLEMS THAT MAY AFFECT A STUDENT WHO IS A VICTIM OR AN**
26 **ALLEGED PERPETRATOR OF BULLYING, HARASSMENT, OR INTIMIDATION; AND**

27 **(X)** Information regarding the availability and use of the bullying,
28 harassment, or intimidation form under § 7-424 of this subtitle.

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

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

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

3 (i) Parents or guardians of students;

4 (ii) School employees and administrators;

5 (iii) School volunteers;

6 (iv) Students; and

7 (v) Members of the community.

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

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

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

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

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

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

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

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

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

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

1 ~~(i) (1) BY MARCH 31, 2012, THE DEPARTMENT, IN COLLABORATION~~
2 ~~WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL PROVIDE~~
3 ~~INFORMATION TO COUNTY BOARDS THAT:~~

4 ~~(i) DESCRIBES THE SAFETY RISKS AND HEALTH PROBLEMS~~
5 ~~THAT MAY AFFECT A STUDENT WHO IS A VICTIM OR AN ALLEGED PERPETRATOR~~
6 ~~OF BULLYING, HARASSMENT, OR INTIMIDATION; AND~~

7 ~~(ii) INCLUDES GUIDANCE TO A PARENT OR GUARDIAN OF A~~
8 ~~VICTIM OR AN ALLEGED PERPETRATOR OF BULLYING, HARASSMENT, OR~~
9 ~~INTIMIDATION ON WHEN IT IS APPROPRIATE TO CONTACT A PEDIATRIC~~
10 ~~PRIMARY CARE PROVIDER.~~

11 ~~(2) A PUBLIC SCHOOL ATTENDED BY A VICTIM OF BULLYING,~~
12 ~~HARASSMENT, OR INTIMIDATION SHALL SEND A COPY OF THE INFORMATION~~
13 ~~DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE PARENT OR~~
14 ~~GUARDIAN OF:~~

15 ~~(i) THE VICTIM; AND~~

16 ~~(ii) THE ALLEGED PERPETRATOR.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.