

# HOUSE BILL 17

F1

01r0480

(PRE-FILED)

---

By: **Delegate McConkey**

Requested: August 18, 2009

Introduced and read first time: January 13, 2010

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Incidents of Bullying, Harassment, or Intimidation – Reports by**  
3 **Principals – Local Law Enforcement Agency**

4 FOR the purpose of authorizing public school principals to report incidents of bullying,  
5 harassment, or intimidation against students attending the school to the chief  
6 of the local law enforcement agency; requiring principals to use a certain form;  
7 defining certain terms; and generally relating to the authorization of principals  
8 to report incidents of bullying, harassment, or intimidation against students to  
9 the chief of the local law enforcement agency.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 7–424  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2009 Supplement)

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

17 **Article – Education**

18 7–424.

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

20 (2) “Bullying, harassment, or intimidation” means intentional conduct,  
21 including verbal, physical, or written conduct, or an intentional electronic  
22 communication, that:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Creates a hostile educational environment by substantially  
2 interfering with a student's educational benefits, opportunities, or performance, or  
3 with a student's physical or psychological well-being and is:

4 1. Motivated by an actual or a perceived personal  
5 characteristic including race, national origin, marital status, sex, sexual orientation,  
6 gender identity, religion, ancestry, physical attributes, socioeconomic status, familial  
7 status, or physical or mental ability or disability; or

8 2. Threatening or seriously intimidating; and

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

11 2. Substantially disrupts the orderly operation of a  
12 school.

13 (3) "Electronic communication" means a communication transmitted  
14 by means of an electronic device, including a telephone, cellular phone, computer, or  
15 pager.

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

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

21 (i) A student;

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

23 (iii) A school staff member.

24 (c) (1) The Department shall create a standard victim of bullying,  
25 harassment, or intimidation report form.

26 (2) Each victim of bullying, harassment, or intimidation report form  
27 shall:

28 (i) Identify the victim and the alleged perpetrator, if known;

29 (ii) Indicate the age of the victim and alleged perpetrator;

30 (iii) Describe the incident, including alleged statements made by  
31 the alleged perpetrator;

1 (iv) Indicate the location of the incident;

2 (v) Identify any physical injury suffered by the victim and  
3 describe the seriousness and any permanent effects of the injury;

4 (vi) Indicate the number of days a student is absent from school,  
5 if any, as a result of the incident;

6 (vii) Identify any request for psychological services initiated by  
7 the victim or the victim's family due to psychological injuries suffered; and

8 (viii) Include instructions on how to fill out the form and the  
9 mailing address to where the form shall be sent.

10 (3) A county board shall distribute copies of the victim of bullying,  
11 harassment, or intimidation report form to each public school under the county board's  
12 jurisdiction.

13 (d) (1) Each county board shall submit summaries of report forms filed  
14 with the county board to the State Board on or before January 31 each year.

15 (2) A county board shall delete any information that identifies an  
16 individual.

17 (e) The information contained in a victim of bullying, harassment, or  
18 intimidation report form in accordance with subsection (c) of this section:

19 (1) Is confidential and may not be redisclosed except as otherwise  
20 provided under the Family Education Rights and Privacy Act or this section; and

21 (2) May not be made a part of a student's permanent educational  
22 record.

23 (f) (1) The Department shall submit a report on or before March 31 each  
24 year to the Senate Education, Health, and Environmental Affairs Committee and the  
25 House Ways and Means Committee, in accordance with § 2-1246 of the State  
26 Government Article, consisting of a summary of the information included in the victim  
27 of bullying, harassment, or intimidation report forms filed with the county boards the  
28 previous year.

29 (2) The report submitted by the Department shall include, to the  
30 extent feasible:

31 (i) A description of the act constituting the bullying,  
32 harassment, or intimidation;

33 (ii) The age of the victim and alleged perpetrator;

- 1 (iii) The allegation of the alleged perpetrator's motive;
- 2 (iv) A description of the investigation of the complaint and any  
3 corrective action taken by the appropriate school authorities;
- 4 (v) The number of days a student is absent from school, if any,  
5 as a result of the incident; and
- 6 (vi) The number of false allegations reported.

7 **(G) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
8 **THE MEANINGS INDICATED.**

9 **(II) 1. "CHIEF" MEANS THE HEAD OF A LOCAL LAW**  
10 **ENFORCEMENT AGENCY.**

11 **2. "CHIEF" INCLUDES THE OFFICER DESIGNATED BY**  
12 **THE HEAD OF A LOCAL LAW ENFORCEMENT AGENCY.**

13 **(III) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE**  
14 **POLICE DEPARTMENT, BUREAU, OR FORCE OF A COUNTY.**

15 **(2) A PUBLIC SCHOOL PRINCIPAL MAY REPORT AN INCIDENT OF**  
16 **BULLYING, HARASSMENT, OR INTIMIDATION AGAINST A STUDENT ATTENDING**  
17 **THE SCHOOL TO THE CHIEF OF THE LOCAL LAW ENFORCEMENT AGENCY.**

18 **(3) THE PRINCIPAL SHALL USE THE STANDARD VICTIM OF**  
19 **BULLYING, HARASSMENT, OR INTIMIDATION REPORT FORM REQUIRED UNDER**  
20 **SUBSECTION (C) OF THIS SECTION.**

21 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
22 **October 1, 2010.**