

# SENATE BILL 489

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CF HB 38

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By: **Senators Conway, Ferguson, Forehand, Frosh, Gladden, Kelley, Klausmeier, Madaleno, Montgomery, Pugh, and Young**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Nonpublic Schools ~~Accepting State Funds~~ That Participate in State**  
3 **Programs – Bullying, Harassment, and Intimidation – Policies**

4 FOR the purpose of requiring nonpublic schools that ~~accept State funds~~ participate in  
5 State programs to adopt a policy prohibiting bullying, harassment, and  
6 intimidation by a certain date; requiring the policy to include certain provisions;  
7 encouraging a nonpublic school to develop the policy in consultation with  
8 certain groups; encouraging a nonpublic school to publicize the policy in a  
9 certain manner; encouraging a nonpublic school to develop certain educational  
10 programs in its efforts to prevent bullying, harassment, and intimidation;  
11 providing that certain nonpublic school employees who report acts of bullying,  
12 harassment, or intimidation are not civilly liable under certain circumstances;  
13 providing that this Act may not be construed to limit the legal rights of a victim  
14 of bullying, harassment, or intimidation; defining certain terms; and generally  
15 relating to policies prohibiting bullying, harassment, and intimidation in  
16 nonpublic schools that ~~accept State funds~~ participate in State programs.

17 BY adding to

18 Article – Education

19 Section 7–424.3

20 Annotated Code of Maryland

21 (2008 Replacement Volume and 2010 Supplement)

22 Preamble

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### 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, The National Institutes of Health reports that bullying affects  
2 more than 5 million students in grades 6 through 11; and

3 WHEREAS, According to the United States Department of Health and Human  
4 Services, bullies identified by age 8 are six times more likely to have criminal  
5 convictions by age 24; and

6 WHEREAS, The increased use of the Internet by students is presenting new  
7 challenges regarding bullying in schools; and

8 WHEREAS, Bullying may lead to an increase in absenteeism or the dropout  
9 rate; and

10 WHEREAS, Maintaining a safe environment in schools is integral to promoting  
11 learning and success in students; 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 **7-424.3.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
17 **MEANINGS INDICATED.**

18 **(2) “BULLYING, HARASSMENT, AND INTIMIDATION” MEANS ANY**  
19 **INTENTIONAL WRITTEN, VERBAL, OR PHYSICAL ACT, INCLUDING AN**  
20 **ELECTRONIC COMMUNICATION, THAT:**

21 **(I) 1. PHYSICALLY HARMS AN INDIVIDUAL;**

22 **2. DAMAGES AN INDIVIDUAL’S PROPERTY;**

23 **3. SUBSTANTIALLY INTERFERES WITH AN**  
24 **INDIVIDUAL’S EDUCATION OR LEARNING ENVIRONMENT; OR**

25 **4. PLACES AN INDIVIDUAL IN REASONABLE FEAR OF**  
26 **HARM TO THE INDIVIDUAL’S PERSON OR PROPERTY; AND**

27 **(II) 1. OCCURS ON SCHOOL PROPERTY, AT A SCHOOL**  
28 **ACTIVITY OR EVENT, OR ON A SCHOOL BUS; OR**

29 **2. SUBSTANTIALLY DISRUPTS THE ORDERLY**  
30 **OPERATION OF A SCHOOL.**

1           **(3) “ELECTRONIC COMMUNICATION” MEANS A COMMUNICATION**  
2 **TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A**  
3 **TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.**

4           **(4) “NONPUBLIC SCHOOL” MEANS A NONPUBLIC SCHOOL THAT**  
5 **~~ACCEPTS STATE FUNDS~~ PARTICIPATES IN STATE PROGRAMS.**

6           **(B) BY MARCH 31, 2012, EACH NONPUBLIC SCHOOL SHALL ADOPT A**  
7 **POLICY PROHIBITING BULLYING, HARASSMENT, AND INTIMIDATION.**

8           **(C) THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION**  
9 **SHALL INCLUDE:**

10           **(1) A STATEMENT PROHIBITING BULLYING, HARASSMENT, AND**  
11 **INTIMIDATION IN THE SCHOOL;**

12           **(2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION**  
13 **AGAINST INDIVIDUALS WHO REPORT ACTS OF BULLYING, HARASSMENT, OR**  
14 **INTIMIDATION;**

15           **(3) A DEFINITION OF BULLYING, HARASSMENT, AND**  
16 **INTIMIDATION THAT IS EITHER THE SAME AS SET FORTH IN SUBSECTION (A) OF**  
17 **THIS SECTION OR A DEFINITION THAT IS NOT LESS INCLUSIVE THAN THAT**  
18 **DEFINITION;**

19           **(4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**  
20 **PERSONS COMMITTING ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION**  
21 **AND FOR PERSONS ENGAGED IN REPRISAL OR RETALIATION, INCLUDING:**

22           **(I) SPECIFIC PENALTIES FOR PERSONS WHO REPEATEDLY**  
23 **COMMIT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION; AND**

24           **(II) A REQUIREMENT THAT PERSONS WHO COMMIT ACTS OF**  
25 **BULLYING, HARASSMENT, OR INTIMIDATION RECEIVE EDUCATIONAL AND**  
26 **THERAPEUTIC SERVICES CONCERNING BULLYING PREVENTION;**

27           **(5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**  
28 **PERSONS FOUND TO HAVE MADE FALSE ACCUSATIONS;**

29           **(6) STANDARD PROCEDURES FOR REPORTING ACTS OF**  
30 **BULLYING, HARASSMENT, OR INTIMIDATION, INCLUDING A CHAIN OF COMMAND**  
31 **IN THE REPORTING PROCESS;**

1           **(7) STANDARD PROCEDURES FOR THE PROMPT INVESTIGATION**  
2 **OF ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION;**

3           **(8) STANDARD PROCEDURES FOR PROTECTING VICTIMS OF**  
4 **BULLYING, HARASSMENT, OR INTIMIDATION FROM ADDITIONAL ACTS OF**  
5 **BULLYING, HARASSMENT, OR INTIMIDATION, AND FROM RETALIATION; AND**

6           **(9) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES**  
7 **AVAILABLE TO A STUDENT BULLY OR VICTIM AND ANY BYSTANDERS.**

8           **(D) A NONPUBLIC SCHOOL IS ENCOURAGED TO DEVELOP THE POLICY**  
9 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN CONSULTATION WITH**  
10 **THE FOLLOWING GROUPS:**

11           **(1) PARENTS OR GUARDIANS OF STUDENTS;**

12           **(2) SCHOOL EMPLOYEES AND ADMINISTRATORS;**

13           **(3) SCHOOL VOLUNTEERS; AND**

14           **(4) STUDENTS.**

15           **(E) A NONPUBLIC SCHOOL IS ENCOURAGED TO PUBLICIZE THE POLICY**  
16 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN STUDENT HANDBOOKS,**  
17 **ON THE SCHOOL'S WEBSITE, AND ANY OTHER LOCATION OR VENUE THE SCHOOL**  
18 **DETERMINES IS NECESSARY OR APPROPRIATE.**

19           **(F) A NONPUBLIC SCHOOL IS ENCOURAGED TO DEVELOP THE**  
20 **FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO PREVENT BULLYING,**  
21 **HARASSMENT, AND INTIMIDATION:**

22           **(1) AN EDUCATIONAL BULLYING, HARASSMENT, AND**  
23 **INTIMIDATION PREVENTION PROGRAM FOR STUDENTS, STAFF, VOLUNTEERS,**  
24 **AND PARENTS; AND**

25           **(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM**  
26 **THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY**  
27 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION.**

28           **(G) AN EMPLOYEE OF A NONPUBLIC SCHOOL WHO REPORTS AN ACT OF**  
29 **BULLYING, HARASSMENT, OR INTIMIDATION IN ACCORDANCE WITH THE**  
30 **NONPUBLIC SCHOOL'S POLICY ADOPTED UNDER SUBSECTION (B) OF THIS**  
31 **SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN REPORTING OR**

1 FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IN  
2 ACCORDANCE WITH THE POLICY.

3 (H) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO  
4 LIMIT THE LEGAL RIGHTS OF A VICTIM OF BULLYING, HARASSMENT, OR  
5 INTIMIDATION.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.