

A021-0910

10 AN ACT CONCERNING

20 Maryland Public Schools- School Safety

30 FOR the purpose of requiring the State Board of Education to develop policies to protect
40 Maryland teachers from cyber bullying

50 BY repealing, and, and reenacting, with amendments,

60 Article-Educational Law

70 TITLE 7. Public Schools

80 Subtitle 4. Health and Safety of Students AND TEACHERS

90 § 7-424.1. Model policy prohibiting bullying, harassment and intimidation.

100 Annotated Code of Maryland

110 SECTION 1. BE IN ENACTED BY THE MARYLAND STUDENT LEGISLATURE,

120 LEGISLATURE, That the Laws of Maryland read as follows:

130 § 26-101 Scope

140 (a) *Definitions.*-

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

160 (2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal,
170 physical, or written conduct, or ~~an intentional~~ electronic communication, that:

180 (i) Creates a hostile educational environment by substantially interfering with a student's
190 educational benefits, opportunities, or performance, or CREATES A HOSTILE

200 ENVIRONMENT BY SUBSTANTIALLY INTERFEREING WITH A TEACHER'S
210 PERFORAMNCE, OPPORTUTNIES, AND REPUTATION OR with a student's AND
220 TEACHER'S physical or

200 psychological well-being and is:

210 ~~1. Motivated by an actual or a perceived personal characteristic including race, national~~
220 ~~origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical~~
230 ~~attribute, socioeconomic status, familial status, or physical or mental ability or disability;~~
240 ~~or~~

250 1. OBSCENE AND OR PORNOGRAPHIC MATERIAL

250 2. Threatening or seriously intimidating; and

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

270 3. Substantially disrupts the orderly operations of a school.

280 (3) "Electronic communication" means a communication transmitted by means of an
290 electronic device, including a telephone, cellular phone, computer, CAMERA, or pager.

300 (b) In general-

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

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

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

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

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

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

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

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

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

480 (viii) Information regarding the availability and use of the bullying, harassment, or
490 intimidation form under § 7-424 of this subtitle

500 Development of policy by county boards.-

510 Each county board shall establish a policy prohibiting bullying, harassment, or
520 intimidation at school based on the model policy.

530 The policy shall address the components of the model policy specified in subsection (b)(2)
540 section.

550 A county board shall develop the policy in consultation with representatives of the
560 groups:

570 (i) Parents or guardians of students;

580 (ii) School employees and administrators;

590 (iii) School volunteers;

600 (iv) Students; and

610 (v) Members of the community.

620 (d) Publication of policy.- Each county board shall publicize its policy in student
630 handbooks, school system websites, and other location or venue the county board
640 determines is necessary or appropriate.

650 (e) Reporting procedure.- Each county board policy shall include information on the
660 procedure for reporting incidents of bullying, harassment, or intimidation, including:

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

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

710 (f) Submission of policy.- Each county board shall submit its policy to the State
720 Superintendent by July 1, 2009.

730 (g) Educational programs.- Each county board shall develop the following educational
740 programs in its efforts to prevent bullying, harassment, and intimidation in schools:

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

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

790 Limitation of liability.-

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

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

860 **MANDATES:**

870 Martin O'Malley, Governor of Maryland

880 Anthony G. Brown, Lieutenant Governor of Maryland

890 Thomas V. Mike Miller, President of the Senate

890 Michael E. Busch, speaker of the House of Delegates

Sponsor:

Shin-Yee Yu

University of Maryland, Baltimore County