

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 546 (Delegate Kaiser, *et al.*)
 Ways and Means

Local Boards of Education - Harassment and Intimidation in Schools

This bill requires local boards of education to establish policies prohibiting harassment or intimidation in schools and establishes within the Maryland State Department of Education a School Bullying Ombudsman position and a Prevention of Harassment and Intimidation in Public Schools Advisory Council.

Fiscal Summary

State Effect: General fund expenditures would increase by an estimated \$48,100 in FY 2009 to hire a School Bullying Ombudsman in April 2009 and support travel expenses for the Prevention of Harassment and Intimidation in Public Schools Advisory Council. Future year expenditure estimates reflect annualization, regular salary increases, and inflation. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	48,100	162,100	169,600	177,600	186,000
Net Effect	(\$48,100)	(\$162,100)	(\$169,600)	(\$177,600)	(\$186,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local boards of education could establish policies prohibiting harassment and intimidation with existing school system personnel and resources.

Small Business Effect: None.

Analysis

Bill Summary: To the extent practicable, the adoption of local board of education policies prohibiting harassment and intimidation must include input from teachers, school employees, parents and guardians, students, and community representatives. Each local board policy must include a definition of “harassment or intimidation” and procedures for reporting an act of harassment or intimidation, investigating a report of harassment or intimidation, and disciplining an individual who has committed an act of harassment or intimidation. Each policy must require a school employee to promptly report an act of harassment or intimidation and must provide immunity from any civil liability for an individual who in good faith reports an act to the proper school official. A local board’s policy must be available in each public school in the board’s jurisdiction and must include information about how to obtain victim of harassment or intimidation forms. Local board policies must be submitted to the School Bullying Ombudsman and the Prevention of Harassment and Intimidation in Public Schools Advisory Council by September 1, 2009.

By January 1, 2009, the Maryland State Department of Education must adopt regulations for the appointment of a School Bullying Ombudsman. The ombudsman is appointed by the State Superintendent of Schools and must investigate unresolved complaints of intimidation or harassment, mediate any disputes involving unresolved complaints, and recommend appropriate actions for parties in disputes. The ombudsman is also responsible for sharing best practices with local school systems and receiving recommendations to reduce the incidence of harassment and intimidation.

A Prevention of Harassment and Intimidation in Public Schools Advisory Council is also established within MSDE to evaluate the impact of local board policies, document the needs of local boards for technical assistance, share best practices, and report to the State Superintendent. The Governor appoints the members of the advisory council and designates the council’s chair. Advisory council members serve staggered three-year terms. The members do not receive compensation but may be reimbursed for travel expenses as provided in the annual State budget.

Current Law: Each local board of education must adopt regulations designed to create and maintain within the schools under its jurisdiction an atmosphere of order and discipline necessary for effective learning. As established in State Board of Education regulations, all students in Maryland public schools, without exception and regardless of race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to education environments that are safe, optimal for academic achievement, and free from any form of harassment.

Each local board of education is required to distribute standard victim of harassment or intimidation report forms created by the Maryland State Department of Education to all the public schools in its jurisdiction. The forms are then available to be filled out by students and students' parents. Local boards must submit completed forms to the State Board of Education, and the Maryland State Department of Education must report annually on the forms received.

Background: The American Psychological Association (APA) defines bullying as “aggressive behavior that is intended to cause harm or distress, occurs repeatedly over time, and occurs in a relationship in which there is an imbalance of power or strength.” APA notes that individuals engaging in bullying behavior are generally more likely to exhibit other antisocial behaviors and that the victims of bullying often suffer from loneliness, insecurity, and thoughts of suicide. Various sources indicate that bullying incidents typically peak during middle school years.

A National Conference of State Legislatures (NCSL) policy brief on bullying notes that, since 2001, more than half of the states have enacted legislation to address and prevent bullying. For example, Maryland adopted the Safe Schools Reporting Act of 2005 (Chapter 547), which requires a uniform reporting form to be available in public schools to victims of bullying and requires annual reports from MSDE on the incidence of harassment and intimidation. As a result of the Act, MSDE has compiled forms and submitted reports describing more than 3,200 incidents of harassment and intimidation that have been reported over the last two years. In the 2007 report, the rate of reported incidents per 1,000 students ranged from 0.1 in Baltimore City to 20.7 in Somerset County. Because the rates are higher for some of the school systems that have implemented systemwide and schoolwide programs on bullying prevention (including Somerset County), the report theorizes that the wide range in reporting rates is largely the result of greater levels of bullying awareness in some school systems.

With the access that children and adolescents now have to technology, accounts of “cyberbullying” – using technology such as the Internet, e-mail, text messages, or instant messages to torment others – have become more frequent. NCSL notes that “cyberbullying differs from the more traditional forms of bullying in that it can occur at any time, ... and perpetrators can remain anonymous.” In addition, school responses to cyberbullying are sometimes problematic because, although the victims and perpetrators may be schoolmates, the acts typically do not take place on school grounds.

The National Parent-Teacher Association and APA report that the most effective bullying prevention strategies involve the entire school community. Both also recommend the integration of bullying-related content into school curricula and close adult supervision of

students throughout the school day to monitor and prevent bullying behavior before it escalates.

State Expenditures: General fund expenditures could increase by an estimated \$48,057 in fiscal 2009, which assumes that the School Bullying Ombudsman would be appointed in April 2009 following the January 1, 2009 deadline for the establishment of qualifications for the new position. The estimate reflects the cost of hiring the ombudsman and one full-time office secretary to support the ombudsman. Two salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses are included in the estimate, as are travel expenses for members of the Prevention of Harassment and Intimidation in Public Schools Advisory Council.

	<u>FY 2009</u>	<u>FY 2010</u>
Salaries and Fringe Benefits	\$36,297	\$147,758
Travel Expenses	3,250	13,260
Other Start-up and Operating Expenses	<u>8,510</u>	<u>1,040</u>
Total State Expenditures	\$48,057	\$162,058

Future year expenditures reflect • full-year salaries with 4.4% annual increases and 3% employee turnover; and • 2% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

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