HOUSE BILL 38

ENROLLED BILL
— Ways and Means/Education, Health, and Environmental Affairs —

Introduced by Delegates Waldstreicher, Branch, Cardin, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker

Read and Examined by Proofreaders:

_______________________________________________
Proofreader.

_______________________________________________
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this ______ day of ______________ at ________________________ o’clock, ______M.

________________________________________
Speaker.

CHAPTER ______

1 AN ACT concerning

2 Nonpublic Schools Accepting State Funds Participating in State–Funded

3 Education Programs – Bullying, Harassment, and Intimidation – Policies

4 FOR the purpose of requiring nonpublic schools that accept State funds participate in

5 State–funded education programs to adopt a policy prohibiting bullying,

6 harassment, and intimidation by a certain date; requiring the policy to include

7 certain provisions; encouraging a nonpublic school to develop the policy in

8 consultation with certain groups; encouraging a nonpublic school to publicize

9 the policy in a certain manner; encouraging a nonpublic school to develop

10 certain educational programs in its efforts to prevent bullying, harassment, and

11 intimidation; providing that certain nonpublic school employees who report acts

12 of bullying, harassment, or intimidation are not civilly liable under certain

13 circumstances; providing that this Act may not be construed to limit the legal

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strikeout indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Italics indicate opposite chamber/conference committee amendments.
rights of a victim of bullying, harassment, or intimidation, or to require a certain 

statewide policy; defining certain terms; and generally relating to policies 

prohibiting bullying, harassment, and intimidation in nonpublic schools that 

accept State funds participate in State–funded education programs.

BY adding to 

Article – Education 

Section 7–424.3 

Annotated Code of Maryland 

(2008 Replacement Volume and 2010 Supplement)

Preamble

WHEREAS, The National Institutes of Health reports that bullying affects 

more than 5 million students in grades 6 through 11; and 

WHEREAS, According to the United States Department of Health and Human 

Services, bullies identified by age 8 are six times more likely to have criminal 

convictions by age 24; and 

WHEREAS, The increased use of the Internet by students is presenting new 

challenges regarding bullying in schools; and 

WHEREAS, Bullying may lead to an increase in absenteeism or the dropout 

rate; and 

WHEREAS, Maintaining a safe environment in schools is integral to promoting 

learning and success in students; now, therefore,

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

Article – Education

7–424.3.

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

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

(1) 1. PHYSICALLY HARMS AN INDIVIDUAL;

2. DAMAGES AN INDIVIDUAL’S PROPERTY;
3. Substantially interferes with an individual’s education or learning environment; or

4. Places an individual in reasonable fear of harm to the individual’s person or property; and

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

   2. Substantially disrupts the orderly operation of a school.

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

(4) “Nonpublic school” means a nonpublic school that accepts state funds participates in state-funded education programs.

(5) “Standard” means within each school.

(B) By March 31, 2012, each nonpublic school shall adopt a policy prohibiting bullying, harassment, and intimidation.

(C) The policy adopted under subsection (B) of this section shall include:

   (1) A statement prohibiting bullying, harassment, and intimidation in the school;

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

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

   (4) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation, including:
(I) Specific penalties for persons who repeatedly commit acts of bullying, harassment, or intimidation; and

(II) A requirement that persons who commit acts of bullying, harassment, or intimidation receive educational and therapeutic services concerning bullying prevention;

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

(6) Standard procedures for reporting acts of bullying, harassment, or intimidation, including a chain of command in the reporting process;

(7) Standard procedures for the prompt investigation of acts of bullying, harassment, or intimidation;

(8) Standard procedures for protecting victims of bullying, harassment, or intimidation from additional acts of bullying, harassment, or intimidation, and from retaliation; and

(9) Information about the types of support services available to a student bully or victim and any bystanders.

(D) A nonpublic school is encouraged to develop the policy adopted under subsection (B) of this section in consultation with the following groups:

(1) Parents or guardians of students;

(2) School employees and administrators;

(3) School volunteers; and

(4) Students.

(E) A nonpublic school is encouraged to publicize the policy adopted under subsection (B) of this section in student handbooks, on the school's website, and any other location or venue the school determines is necessary or appropriate.
(F) A NONPUBLIC SCHOOL IS ENCOURAGED TO DEVELOP THE FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO PREVENT BULLYING, HARASSMENT, AND INTIMIDATION:

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

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

(G) AN EMPLOYEE OF A NONPUBLIC SCHOOL WHO REPORTS AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IN ACCORDANCE WITH THE NONPUBLIC SCHOOL’S POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN REPORTING OR FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IN ACCORDANCE WITH THE POLICY.

(H) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO:

(1) LIMIT THE LEGAL RIGHTS OF A VICTIM OF BULLYING, HARASSMENT, OR INTIMIDATION; OR

(2) REQUIRE A STATEWIDE POLICY IN NONPUBLIC SCHOOLS RELATING TO BULLYING, HARASSMENT, AND INTIMIDATION.

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

Approved:

__________________________________________
Governor.

__________________________________________
Speaker of the House of Delegates.

__________________________________________
President of the Senate.