

HOUSE BILL 38

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

Introduced and read first time: January 17, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Nonpublic Schools Accepting State Funds – Bullying, Harassment, and**
3 **Intimidation – Policies**

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 WHEREAS, Maintaining a safe environment in schools is integral to promoting
9 learning and success in students; now, therefore,

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

12 **Article – Education**

13 **7-424.3.**

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

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

- 19 (I) 1. PHYSICALLY HARMS AN INDIVIDUAL;
20 2. DAMAGES AN INDIVIDUAL’S PROPERTY;
21 3. SUBSTANTIALLY INTERFERES WITH AN
22 INDIVIDUAL’S EDUCATION OR LEARNING ENVIRONMENT; OR
23 4. PLACES AN INDIVIDUAL IN REASONABLE FEAR OF
24 HARM TO THE INDIVIDUAL’S PERSON OR PROPERTY; AND

25 (II) 1. OCCURS ON SCHOOL PROPERTY, AT A SCHOOL
26 ACTIVITY OR EVENT, OR ON A SCHOOL BUS; OR

27 2. SUBSTANTIALLY DISRUPTS THE ORDERLY
28 OPERATION OF A SCHOOL.

29 (3) “ELECTRONIC COMMUNICATION” MEANS A COMMUNICATION
30 TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A
31 TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.

1 **(4) “NONPUBLIC SCHOOL” MEANS A NONPUBLIC SCHOOL THAT**
2 **ACCEPTS STATE FUNDS.**

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

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

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

9 **(2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION**
10 **AGAINST INDIVIDUALS WHO REPORT ACTS OF BULLYING, HARASSMENT, OR**
11 **INTIMIDATION;**

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

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

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

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

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

26 **(6) STANDARD PROCEDURES FOR REPORTING ACTS OF**
27 **BULLYING, HARASSMENT, OR INTIMIDATION, INCLUDING A CHAIN OF COMMAND**
28 **IN THE REPORTING PROCESS;**

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

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

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

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

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

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

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

12 **(4) STUDENTS.**

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

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

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

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

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

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

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