

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 812
Ways and Means

(Delegate Kramer, *et al.*)

Education, Health, and Environmental Affairs

Public Schools - Dating Violence - Policy and Disciplinary Standards

This bill expands local school board reports on bullying, harassment, and intimidation to include dating violence and requires local boards to include dating violence in policies prohibiting bullying, harassment, and intimidation. By March 31, 2012, the State Board of Education, in consultation with the local school systems, must include dating violence in its model policy prohibiting bullying, harassment, and intimidation. Local boards of education are required to update their policies to include dating violence based on the State board policy and must develop educational materials to prevent dating violence in schools by July 1, 2012.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: The State Board of Education can update its model policy to include dating violence with existing personnel and resources.

Local Effect: Local school systems costs may increase minimally in FY 2012 to update their bullying, harassment, and intimidation policies to include dating violence.

Small Business Effect: None.

Analysis

Bill Summary: “Dating partner” is defined as any person, regardless of gender, involved in an intimate relationship with another that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term. “Dating violence” is

defined as a pattern of behavior in which one person uses the threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control a dating partner.

The model policy developed by the State Board of Education must include procedures for reporting dating violence, investigating reports of dating violence, and disciplining students who have violated school dating violence policies. The model policy also has to include information about the support services available to students involved in or witnessing dating violence and information about the availability and use of the standard dating violence report forms developed by the Maryland State Department of Education (MSDE).

Policies established by local boards of education must be developed in consultation with students, the parents and guardians of students, school personnel, school volunteers, and members of the community. A chain of command in the dating violence reporting process has to be included in each local policy, along with the name and contact information for someone at MSDE who is familiar with dating violence reporting and investigation procedures in the applicable school system. Copies of local policies must be included in student handbooks and posted on school system websites. A school employee who reports an act of dating violence in accordance with the local board's policy is not civilly liable for any act or omission in reporting or failing to report an act of dating violence.

In addition, local boards of education must develop educational programs for students, staff, volunteers, and parents as well as professional development programs that train teachers and administrators to implement the local policies.

Current Law/Background: Chapter 489 of 2008 required the State Board of Education to develop a model policy to prohibit bullying, harassment, and intimidation by March 31, 2009, in consultation with local school systems. Using the State board's model policy, local boards of education were required to establish policies prohibiting bullying, harassment, and intimidation by July 1, 2009, and to develop educational materials to prevent bullying in schools. Chapter 547 of 2005 required local boards of education to report incidents of harassment or intimidation against public school students. MSDE was required to develop report forms on which students, parents, or other adults could record the incidents.

The first full week in February has been recognized as National Teen Dating Violence Awareness and Prevention Week by the U.S. Congress every year since 2006. According to the *New York Times*, limited public health research estimates about 10% of adolescent relationships are abusive. An online survey by Liz Claiborne Inc. reports that only 51% of respondents claimed to know the warning signs of a bad or hurtful relationship, and 20% of teens age 13 to 14 in a relationship say they know friends and peers who have

been struck in anger by a boyfriend or girlfriend. A survey by the New York City Department of Health and Mental Hygiene showed that dating violence in the city has risen by more than 40% since 1999.

MSDE advises that the health education voluntary State curriculum includes a framework that addresses healthy relationships and domestic violence. The Department of Human Resources advises that rape crisis centers provide prevention education and awareness programs in their local communities, including schools. Dating violence is addressed under these circumstances, not only with students from elementary to high school, but also with parents, teachers, and other professionals.

Local Expenditures: Baltimore City reports that its bullying policy currently includes acts of sexual, verbal, or emotional abuse. For local school systems that do not currently include dating violence in their bullying policy, costs increase minimally to update report forms and to train teachers, parents, and students in the updated policy.

Additional Information

Prior Introductions: None.

Cross File: SB 617 (Senator Manno) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education; Baltimore City; Harford, Montgomery, and Talbot counties; Department of State Police; Governor's Office of Crime Control and Prevention; *New York Times*; Liz Claiborne Inc.; National Center for Victims of Crime; Department of Legislative Services

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