

# HOUSE BILL 381

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HB 1379/18 – W&M

9lr1674

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By: ~~Delegate Long~~ Baltimore County Delegation

Introduced and read first time: January 30, 2019

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore County ~~Public Schools – Student Misconduct – Penalty for Parent or~~**  
3 **~~Guardian~~ Anti-Bullying Task Force – Alterations**

4 FOR the purpose of ~~prohibiting a certain student from violating~~ requiring the Baltimore  
5 County ~~Board of Education's~~ Anti-Bullying Task Force to develop certain  
6 recommendations for a policy for interacting with parents and guardians of certain  
7 students in violation of the Baltimore County Public Schools' bullying, harassment,  
8 and intimidation policy ~~by performing certain actions; prohibiting a certain student~~  
9 ~~from violating a certain Code of Student Conduct by fighting; establishing a certain~~  
10 ~~penalty for a certain person who has legal custody or care and control of a certain~~  
11 ~~student; authorizing a court to suspend a certain fine under certain circumstances;~~  
12 ~~requiring a court to consider certain information when making a certain~~  
13 ~~determination; providing for the application of this Act; defining certain terms; and~~  
14 ~~generally relating to a penalty for the parent or guardian for student misconduct and~~  
15 the Baltimore County ~~public schools~~ Anti-Bullying Task Force.

16 ~~BY adding to~~  
17 ~~Article – Education~~  
18 ~~Section 7-424.4~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(2018 Replacement Volume and 2018 Supplement)~~

21 BY repealing and reenacting, without amendments,  
22 Chapter 496 of the Acts of the General Assembly of 2018  
23 Section 1(a) and (g)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
 2 Chapter 496 of the Acts of the General Assembly of 2018  
 3 Section 1(f)

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

6 ~~Article—Education~~

7 ~~7-424.4.~~

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

10 ~~(2) “BULLYING, HARASSMENT, OR INTIMIDATION” HAS THE MEANING~~  
 11 ~~STATED IN § 7-424.1 OF THIS SUBTITLE.~~

12 ~~(3) (i) “FIGHTING” MEANS AN ACT OF OR A CREDIBLE THREAT OF~~  
 13 ~~PHYSICAL VIOLENCE AGAINST ANOTHER INDIVIDUAL.~~

14 ~~(ii) “FIGHTING” INCLUDES ASSAULT AS DEFINED IN § 3-201 OF~~  
 15 ~~THE CRIMINAL LAW ARTICLE.~~

16 ~~(B) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.~~

17 ~~(C) A STUDENT ENROLLED IN A PUBLIC SCHOOL MAY NOT VIOLATE THE~~  
 18 ~~BALTIMORE COUNTY BOARD OF EDUCATION’S POLICY ESTABLISHED UNDER §~~  
 19 ~~7-424.1(C) OF THIS SUBTITLE BY:~~

20 ~~(1) BULLYING, HARASSING, OR INTIMIDATING ANOTHER INDIVIDUAL~~  
 21 ~~AT SCHOOL; OR~~

22 ~~(2) RETALIATING AGAINST AN INDIVIDUAL FOR REPORTING AN ACT~~  
 23 ~~OF BULLYING, HARASSMENT, OR INTIMIDATION TO THE SCHOOL.~~

24 ~~(D) A STUDENT ENROLLED IN A PUBLIC SCHOOL MAY NOT VIOLATE THE~~  
 25 ~~BALTIMORE COUNTY PUBLIC SCHOOL’S CODE OF STUDENT CONDUCT BY~~  
 26 ~~FIGHTING.~~

27 ~~(E) (1) ANY PERSON WHO HAS LEGAL CUSTODY OR CARE AND CONTROL~~  
 28 ~~OF A STUDENT ENROLLED IN A PUBLIC SCHOOL WHO IS THE SUBJECT OF AT LEAST~~  
 29 ~~FOUR REPORTS OF A VIOLATION OF SUBSECTION (C) OR (D) OF THIS SECTION IS~~  
 30 ~~SUBJECT TO A CIVIL FINE NOT TO EXCEED \$1,000.~~

1 ~~(2) THE COURT MAY SUSPEND THE FINE AND ESTABLISH TERMS AND~~  
2 ~~CONDITIONS THAT WOULD PROMOTE POSITIVE BEHAVIORAL CHANGES IN THE~~  
3 ~~STUDENT.~~

4 ~~(3) IN DETERMINING THE AMOUNT OF THE FINE OR WHETHER TO~~  
5 ~~SUSPEND THE FINE UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER:~~

6 ~~(I) THE ACTIONS OF THE PARENT OR GUARDIAN IN RESPONSE~~  
7 ~~TO EACH REPORT FROM THE STUDENT’S SCHOOL REGARDING THE STUDENT’S~~  
8 ~~CONDUCT;~~

9 ~~(II) THE ACTIONS TAKEN BY THE SCHOOL TO MODIFY THE~~  
10 ~~STUDENT’S CONDUCT AND TO NOTIFY THE STUDENT’S PARENT OR GUARDIAN OF THE~~  
11 ~~STUDENT’S REPORTED CONDUCT; AND~~

12 ~~(III) ANY OTHER INFORMATION THE COURT DETERMINES~~  
13 ~~APPROPRIATE.~~

14 Chapter 496 of the Acts of 2018

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

16 That:

17 (a) There is a Baltimore County Anti-Bullying Task Force.

18 (f) The Task Force shall:

19 (1) for the 2018–2019 school year, to the extent consistent with State and  
20 federal law, compile data on the number of incidents of bullying, cyberbullying,  
21 harassment, and intimidation in each public school in Baltimore County and the disposition  
22 of each incident;

23 (2) for the 2019–2020 school year, to the extent consistent with State and  
24 federal law, compile data on the number of incidents of bullying, cyberbullying,  
25 harassment, and intimidation in each public school in Baltimore County and the disposition  
26 of each incident;

27 (3) study current disciplinary actions for students found responsible for  
28 violations of the Baltimore County Public Schools’ bullying policy;

29 (4) study the range of possible disciplinary actions for students found  
30 responsible for violations of the Baltimore County Public Schools’ bullying policy; and

31 (5) make recommendations regarding:

1 (i) whether Baltimore County Public Schools should prescribe a  
2 countywide disciplinary action for violations of the Baltimore County Public Schools'  
3 bullying policy;

4 (ii) whether community service should be prescribed as a possible  
5 disciplinary action for students found responsible for violations of the Baltimore County  
6 Public Schools' bullying policy;

7 (iii) anti-bullying strategies and anti-bullying programming,  
8 including the development of a countywide anti-bullying campaign;

9 (iv) options for victims of bullying who feel that their safety is  
10 threatened if they continue to attend their current school;

11 (v) a procedure for providing immediate notification, consistent with  
12 State and federal law, to the parent of a victim of bullying or harassment and the parent of  
13 a perpetrator of an act of bullying or harassment in Baltimore County Public Schools;

14 (vi) a procedure for reporting to the parent of a victim of bullying the  
15 actions taken to protect the victim in Baltimore County Public Schools;

16 **(VII) A POLICY FOR INTERACTING WITH PARENTS AND**  
17 **GUARDIANS OF STUDENTS FOUND RESPONSIBLE FOR REPEATED VIOLATIONS OF**  
18 **THE BALTIMORE COUNTY PUBLIC SCHOOLS' BULLYING, CYBERBULLYING,**  
19 **HARASSMENT, OR INTIMIDATION POLICY;**

20 ~~[(vii)]~~ **(VIII)** a process for anonymous reporting by students to protect  
21 students from retaliation;

22 ~~[(viii)]~~ **(IX)** resources that Baltimore County Public Schools should  
23 make available to students who have been the target of bullying and to parents of those  
24 students;

25 ~~[(ix)]~~ **(X)** electronic learning as an option for students found  
26 responsible for violations of the Baltimore County Public Schools' bullying policy and whose  
27 presence in school would be disruptive; and

28 ~~[(x)]~~ **(XI)** any other findings of the Task Force.

29 (g) (1) On or before July 1, 2019, the Task Force shall submit a preliminary  
30 report of its findings on the matters listed in subsection (f)(1) of this section to the Governor  
31 and, in accordance with § 2-1246 of the State Government Article, the members of the  
32 Baltimore County delegation to the General Assembly.

33 (2) On or before December 1, 2020, the Task Force shall submit a final  
34 report of its findings and recommendations on the matters listed in subsection (f)(2)

1 through (5) of this section to the Governor and, in accordance with § 2-1246 of the State  
2 Government Article, the members of the Baltimore County delegation to the General  
3 Assembly.

4 (3) The Task Force additionally shall submit the reports required under  
5 paragraphs (1) and (2) of this subsection to the following local entities:

6 (i) the Baltimore County Executive;

7 (ii) the Baltimore County Council;

8 (iii) the Baltimore County Superintendent of Schools;

9 (iv) the Baltimore County Board of Education;

10 (v) the Teachers Association of Baltimore County; and

11 (vi) the PTA Council of Baltimore County.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.