

# HOUSE BILL 576

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CF 3lr2701

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By: **Delegates Ebersole, Crutchfield, McCaskill, Pasteur, Stein, and Vogel**

Introduced and read first time: February 3, 2023

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Policies on Bullying, Harassment, or**  
3 **Intimidation – Revisions**

4 FOR the purpose of altering certain requirements for a model policy prohibiting bullying,  
5 harassment, or intimidation in public and nonpublic schools; requiring the State  
6 Board of Education and each nonpublic school to update a certain policy on or before  
7 a certain date; and generally relating to public and nonpublic school policies on  
8 bullying, harassment, or intimidation.

9 BY repealing and reenacting, with amendments,  
10 Article – Education  
11 Section 7–424(b), 7–424.1(b), and 7–424.3(c)  
12 Annotated Code of Maryland  
13 (2022 Replacement Volume)

14 BY repealing and reenacting, without amendments,  
15 Article – Education  
16 Section 7–424.3(b)  
17 Annotated Code of Maryland  
18 (2022 Replacement Volume)

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

21 **Article – Education**

22 7–424.

23 (b) (1) The Department shall require a county board to report incidents of  
24 bullying, harassment, or intimidation against students attending a public school under the  
25 jurisdiction of the county board.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (2)    An incident of bullying, harassment, or intimidation may be reported  
2 by:

3                   (i)     A student; **OR**

4                   (ii)    The parent, guardian, or close adult relative of a student[; or

5                   (iii)  A school staff member].

6                   **(3)    IF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (2)(II) OF THIS**  
7 **SUBSECTION DOES NOT REPORT AN INCIDENT OF BULLYING, HARASSMENT, OR**  
8 **INTIMIDATION WITHIN A REASONABLE PERIOD OF TIME, A QUALIFIED SCHOOL**  
9 **STAFF MEMBER, ASSIGNED BY THE SCHOOL ADMINISTRATION, SHALL REPORT THE**  
10 **INCIDENT.**

11 7-424.1.

12               (b)    (1)    By March 31, 2009, the State Board, after consultation with and input  
13 from local school systems, shall develop a model policy prohibiting bullying, harassment,  
14 or intimidation in schools.

15               (2)    The model policy developed under paragraph (1) of this subsection shall  
16 include:

17                   (i)     A statement prohibiting bullying, harassment, and intimidation  
18 in schools;

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

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

24                   (iv)   Standard consequences and remedial actions for persons  
25 committing acts of bullying, harassment, or intimidation and for persons engaged in  
26 reprisal or retaliation;

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

29                   (vi)    Model procedures for reporting acts of bullying, harassment, and  
30 intimidation;

31                   (vii)  Model procedures for providing notice of an act of bullying,

1 harassment, or intimidation to:

2                                   1.     **[A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
3 **SUBSECTION, A parent or guardian of the alleged victim, within [3 business days] 12**  
4 **HOURS** after the [date] **TIME** the act is reported; and

5                                   2.     A parent or guardian of the alleged perpetrator, within 5  
6 business days after the date the act is reported;

7                                   (viii) Model procedures for the prompt investigation of acts of bullying,  
8 harassment, and intimidation;

9                                   (ix) Information about the types of support services available to the  
10 student bully, victim, and any bystanders;

11                                  (x) Information regarding the availability and use of the bullying,  
12 harassment, or intimidation form under § 7-424 of this subtitle; and

13                                  (xi) Information regarding the availability and use of an anonymous  
14 two-way electronic tip program established under § 7-424 of this subtitle.

15                                  **(3) IF AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IS**  
16 **DETERMINED TO BE MOTIVATED BY THE ALLEGED VICTIM'S ACTUAL OR PERCEIVED**  
17 **SEX, SEXUAL ORIENTATION, OR GENDER IDENTITY, NOTIFICATION TO THE PARENT**  
18 **OR GUARDIAN OF THE ALLEGED VICTIM SHALL BE AT THE DISCRETION OF THE**  
19 **ALLEGED VICTIM.**

20                                  **[(3)] (4)** By September 1, 2016, and every 5 years thereafter, the State  
21 Board, after consultation with local school systems, shall update the model policy required  
22 under paragraph (1) of this subsection.

23 7-424.3.

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

26                                  (c) **(1)** The policy adopted under subsection (b) of this section shall include:

27   **[(1)] (I)** A statement prohibiting bullying, harassment, and intimidation  
28 in the school;

29   **[(2)] (II)** A statement prohibiting reprisal or retaliation against  
30 individuals who report acts of bullying, harassment, or intimidation;

31   **[(3)] (III)** A definition of bullying, harassment, and intimidation that is  
32 either the same as set forth in subsection (a) of this section or a definition that is not less

1 inclusive than that definition;

2           [(4)] (IV) Standard consequences and remedial actions for persons  
3 committing acts of bullying, harassment, or intimidation and for persons engaged in  
4 reprisal or retaliation, including:

5                   [(i)] 1. Specific penalties for persons who repeatedly commit acts  
6 of bullying, harassment, or intimidation; and

7                   [(ii)] 2. A requirement that persons who commit acts of bullying,  
8 harassment, or intimidation receive educational and therapeutic services concerning  
9 bullying prevention;

10           [(5)] (V) Standard consequences and remedial actions for persons found  
11 to have made false accusations;

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

14           [(7)] (VII) Standard procedures for providing notice of an act of bullying,  
15 harassment, or intimidation to:

16                   [(i)] 1. [A] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
17 **SUBSECTION, A parent or guardian of the alleged victim, within [3 business days] 12**  
18 **HOURS after the [date] TIME the act is reported; and**

19                   [(ii)] 2. A parent or guardian of the alleged perpetrator, within 5  
20 business days after the date the act is reported;

21           [(8)] (VIII) Standard procedures for the prompt investigation of acts of  
22 bullying, harassment, or intimidation;

23           [(9)] (IX) Standard procedures for protecting victims of bullying,  
24 harassment, or intimidation from additional acts of bullying, harassment, or intimidation,  
25 and from retaliation; and

26           [(10)] (X) Information about the types of support services available to a  
27 student bully or victim and any bystanders.

28           **(2) IF AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IS**  
29 **DETERMINED TO BE MOTIVATED BY THE ALLEGED VICTIM'S ACTUAL OR PERCEIVED**  
30 **SEX, SEXUAL ORIENTATION, OR GENDER IDENTITY, NOTIFICATION TO THE PARENT**  
31 **OR GUARDIAN OF THE ALLEGED VICTIM SHALL BE AT THE DISCRETION OF THE**  
32 **ALLEGED VICTIM.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) On or before September 1, 2023, the State Board of Education shall update  
3 the model policy prohibiting bullying, harassment, and intimidation in public schools  
4 required under § 7-424.1 of the Education Article, as enacted by Section 1 of this Act.

5 (b) On or before September 1, 2023, each nonpublic school shall update its policy  
6 prohibiting bullying, harassment, and intimidation in nonpublic schools required under §  
7 7-424.3 of the Education Article, as enacted by Section 1 of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2023.