

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 576  
Ways and Means

(Delegate Ebersole, *et al.*)

Education, Energy, and the Environment

---

Primary and Secondary Education - Policies on Bullying, Harassment, or  
Intimidation - Revisions

---

This bill *requires* a qualified school staff member (assigned by the school administration) to report an incident of bullying, harassment, or intimidation against a public school student *if* a student, parent, guardian, or close adult relative of a student does not report an incident within a reasonable period of time. By September 1, 2023, the State Board of Education (SBE) and each nonpublic school must update their policies prohibiting bullying, harassment, and intimidation to require a parent or guardian of an alleged victim to be notified within 12 hours (rather than 3 days) of an act being reported *unless* the act is determined to be motivated by the alleged victim’s actual or perceived sex, sexual orientation, or gender identity, in which case the parent or guardian will be notified at the discretion of the alleged victim. Finally, the existing protection against civil liability for public school employees and employees of nonpublic schools for following the reporting policy is changed to conform with the requirements of the bill. **The bill takes effect July 1, 2023.**

---

Fiscal Summary

**State Effect:** The Maryland State Department of Education (MSDE) can update the model policy prohibiting bullying, harassment, and intimidation as specified using existing resources. Revenues are not affected.

**Local Effect:** Local school systems can change reporting and notification practices regarding incidents of bullying, harassment, and intimidation using existing resources; however, the changes increase administrative burden on school staff. Revenues are not affected.

**Small Business Effect:** Minimal.

---

## Analysis

**Current Law:** MSDE must require a local board of education to report incidents of bullying, harassment, or intimidation against students attending a public school its jurisdiction. An incident of bullying, harassment, or intimidation *may* be reported by (1) a student; (2) the parent, guardian, or close adult relative of a student; or (3) a school staff member.

Chapter 489 of 2008 required SBE to develop a model policy that prohibits bullying, harassment, and intimidation in schools. Using the model policy, local boards of education were required to develop policies for the public schools under their jurisdiction. A public school employee who reports an act of bullying, harassment, or intimidation in accordance with the local board of education's policy is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation.

Chapters 486 and 487 of 2011 required nonpublic schools that participate in State-funded education programs to adopt a policy prohibiting bullying, harassment, and intimidation. Nonpublic schools are also encouraged to develop educational bullying prevention programs for students, staff, volunteers, and parents and staff development programs to train teachers and administrators to implement the policies. An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with nonpublic school's policy 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.

**Additional Comments:** It is anticipated that nonpublic schools receiving State funds can implement procedures to comply with the bill's requirements with minimal impact.

MSDE advises that there are only two SBE meetings planned between the bill's effective date of July 1, 2023, and September 1, 2023. The Department of Legislative Services advises that the changes required by the bill are not complex and thus can likely be completed by the required deadline.

---

## Additional Information

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 629 (Senator Lam) - Education, Energy, and the Environment.

**Information Source(s):** Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2023  
km/mcr Third Reader - March 20, 2023  
Revised - Amendment(s) - March 20, 2023

---

Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510