CHAPTER_______

1 AN ACT concerning

Safe Schools Reporting Act of 2005

3 FOR the purpose of requiring the State Department of Education to require a county
board of education to report certain incidents against certain students;
authorizing certain persons to file a report regarding certain incidents;
requiring the State Department of Education to create a standard victim of
harassment or intimidation report form; providing for the contents and
distribution of a certain form; requiring a county board to submit summaries of
a certain form to the State Department of Education on or before a certain date
each year; requiring a county board to delete identifying information from
certain forms under certain circumstances; requiring the State Department of
Education to submit a certain report on or before a certain date each year to
certain committees consisting of certain information relating to victim of
harassment or intimidation reports filed with county boards; providing for the
termination of this Act; and generally relating to reporting incidents of
harassment or intimidation of students at public schools.

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

Article - Education

7-421.

(A) IN THIS SECTION, "HARASSMENT OR INTIMIDATION" MEANS CONDUCT, INCLUDING VERBAL CONDUCT, THAT:

(1) CREATES, OR CERTAINLY WILL CREATE, A HOSTILE EDUCATIONAL ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL BENEFITS, OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR PSYCHOLOGICAL WELL-BEING AND IS:

(I) MOTIVATED BY AN ACTUAL OR A PERCEIVED PERSONAL CHARACTERISTIC SUCH AS RACE, NATIONAL ORIGIN, MARITAL STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, RELIGION, OR DISABILITY; OR

(II) THREATENING OR SERIOUSLY INTIMIDATING; AND

(2) OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT, OR ON A SCHOOL BUS.

(B) (1) THE DEPARTMENT SHALL REQUIRE A COUNTY BOARD TO REPORT INCIDENTS OF HARASSMENT OR INTIMIDATION AGAINST STUDENTS ATTENDING A PUBLIC SCHOOL UNDER THE JURISDICTION OF THE COUNTY BOARD.

(2) AN INCIDENT OF HARASSMENT OR INTIMIDATION MAY BE REPORTED BY A STUDENT, OR THE PARENT, GUARDIAN, OR CLOSE ADULT RELATIVE OF A STUDENT, OR SCHOOL STAFF MEMBER.

(C) (1) THE DEPARTMENT SHALL CREATE A STANDARD VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM.

(2) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM SHALL:

(I) IDENTIFY THE VICTIM AND THE ALLEGED PERPETRATOR, IF KNOWN;

(II) INDICATE THE AGE OF THE VICTIM AND ALLEGED PERPETRATOR;
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(III) DESCRIBE THE INCIDENT, INCLUDING ALLEGED STATEMENTS MADE BY THE ALLEGED PERPETRATOR;

(IV) INDICATE THE LOCATION OF THE INCIDENT;

(V) IDENTIFY ANY PHYSICAL INJURY SUFFERED BY THE VICTIM AND DESCRIBE THE SERIOUSNESS AND ANY PERMANENT EFFECTS OF THE INJURY;

(VI) INDICATE THE NUMBER OF DAYS A STUDENT IS ABSENT FROM SCHOOL, IF ANY, AS A RESULT OF THE INCIDENT;

(VII) IDENTIFY ANY REQUEST FOR PSYCHOLOGICAL SERVICES INITIATED BY THE VICTIM OR THE VICTIM'S FAMILY DUE TO PSYCHOLOGICAL INJURIES SUFFERED; AND

(VIII) DESCRIBE THE CORRECTIVE ACTION THE VICTIM WOULD LIKE TO OCCUR; AND

(VIII) INCLUDE INSTRUCTIONS ON HOW TO FILL OUT THE FORM AND THE MAILING ADDRESS TO WHERE THE FORM SHALL BE SENT.

(3) A COUNTY BOARD SHALL DISTRIBUTE COPIES OF THE VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM TO EACH PUBLIC SCHOOL UNDER THE COUNTY BOARD’S JURISDICTION.

(D) (1) EACH COUNTY BOARD SHALL SUBMIT SUMMARIES OF REPORT FORMS FILED WITH THE COUNTY BOARD TO THE STATE BOARD ON OR BEFORE JANUARY 31 EACH YEAR.

(2) A COUNTY BOARD SHALL DELETE ANY INFORMATION THAT IDENTIFIES AN INDIVIDUAL.

(E) (1) THE DEPARTMENT SHALL SUBMIT A REPORT ON OR BEFORE MARCH 31 EACH YEAR TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, CONSISTING OF A SUMMARY OF THE INFORMATION INCLUDED IN THE VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORMS FILED WITH THE COUNTY BOARDS THE PREVIOUS YEAR.

(2) THE REPORT SUBMITTED BY THE DEPARTMENT SHALL INCLUDE, TO THE EXTENT FEASIBLE:

(I) A DESCRIPTION OF THE ACT CONSTITUTING THE HARASSMENT OR INTIMIDATION;

(II) THE AGE OF THE VICTIM AND ALLEGED PERPETRATOR;

(III) THE ALLEGATION OF THE ALLEGED PERPETRATOR’S MOTIVE;
(IV) A DESCRIPTION OF THE INVESTIGATION OF THE COMPLAINT
AND ANY CORRECTIVE ACTION TAKEN BY THE APPROPRIATE SCHOOL AUTHORITIES;

(V) THE NUMBER OF DAYS A STUDENT IS ABSENT FROM SCHOOL, IF ANY, AS A RESULT OF THE INCIDENT; AND

(VI) THE NUMBER OF FALSE ALLEGATIONS REPORTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2005. It shall remain effective for a period of 4 years and, at the end of June 30, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.