

**Technical Assistance Bulletin
for
Implementing Maryland's
Model Policy to Address
Bullying, Harassment, or Intimidation**

**Division of Student, Family, and School Support
Division of Special Education/Early Intervention Services
November 2013**



Division of Special Education/Early Intervention Services

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

Charlene M. Dukes, Ed.D.
President, Maryland State Board of Education

Martin O'Malley
Governor

Penelope Thornton Talley, Esq.
Chief Performance Officer

Jack Smith, Ph.D.
Chief Academic Officer

Maria E. Lamb
Interim Assistant State Superintendent
Division of Student, Family, and School Support

Marcella E. Franczkowski, M. S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

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Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595

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Contributors:

K. Sabrina Austin, Esq.
Staff Attorney
Maryland Coalition for Inclusive Education

Tamara Barron
Baltimore City's Service Learning
Coordinator
Baltimore City Public Schools

Chuck Buckler
Former Executive Director, Division of Student,
Family and School Support
Maryland State Department of Education

Carolanne Burkhardt
Teacher / Certified Olweus Bullying Prevention
Program Trainer
Talbot County Public Schools

Jean-Michel Brevelle
Sexual Minorities Program Manager, Prevention
and Health Promotion Administration
Maryland Department of Health and Mental
Hygiene

Brad Engel
Supervisor of Student Services, Division of
Curriculum and Instruction
Queen Anne's County Public Schools

Michael L. Ford, Ed.D.
Behavior Specialist, Division of Student, Family
and School Support / Student Services and
Strategic Planning
Maryland State Department of Education

Gabrielle Glorioso, M.A.
School Psychologist
Carroll County Public Schools

Lynne E. Muller, Ph.D., NCC, LCPC
Education Specialist, Division of Student, Family and
School Support / Race to the Top
Maryland State Department of Education

Allen L. Perrigan, M.A.
Former Policy and Resource Specialist, Division of
Special Education / Early Intervention Services
Maryland State Department of Education

Diane E. Powell, Ph.D.
Director, Department of Student Engagement and
School Support
Prince George's County Public Schools

Janet Shipman
Coordinator, School Counseling and Student Support
Frederick County Public Schools

Jorge Srabstein, MD.
Medical Director, Clinic for Health Problems Related to
Bullying
Children's National Medical Center, Department of
Psychiatry, Montgomery County Outpatient Regional
Center

Maureen van Stone, Esq., M.S.
Associate Director, Maryland Center for
Developmental Disabilities
Kennedy Krieger Institute

Joseph Wright, MD
Senior Vice-President / Professor
Children's National Medical Center

For more information, call 410-767-0311 or 410-767-7770

Bullying Prevention/Intervention: Guidance, Clarification, and Practice

Background

Bullying in schools has become an urgent social, health, and education concern according to the U.S. Department of Education's Analysis of State Bullying Laws and Policies (December 2011). This Bulletin is designed to provide additional guidance and information to school district administrators, teachers, and staff relating to efforts to implement Maryland's bullying laws and the Maryland State Department of Education's (MSDE) *Maryland's Model Policy to Address Bullying, Harassment, or Intimidation*, 2009 (Policy). In addition, this Bulletin is intended to encourage schools to take a closer look at how they are implementing their anti-bullying policies, and how they are handling reported incidents of bullying, harassment, or intimidation in order to ensure more reliable, accurate, and uniform reporting of information to the MSDE.

In July, 2005, the Safe Schools Reporting Act became effective after being passed by the Maryland General Assembly and signed into law by the Governor. The law required the development of a form to be used by students, parents, and close family members to report incidents of bullying, harassment, or intimidation to school administrators. The law also required all local school systems to record specific information from these forms and to submit that information to MSDE for inclusion in its annual report to the General Assembly. See Education Article, Section 7-424, Annotated Code of Maryland, for what is mandated by statute in Maryland.

On July 1, 2008, the Maryland General Assembly directed the Maryland State Board of Education in consultation with local school systems, to develop and adopt a model policy prohibiting bullying, harassment, or intimidation in schools. The Maryland State Board of Education recognizes that safe learning environments are necessary for students to achieve high academic standards. Schools which are both safe and civil have the ability to powerfully promote such achievement and positive youth development. Moreover, a positive and supportive school climate allows for the school community to function in an atmosphere of social, emotional, and physical safety. See Education Article, Section 7-424, Annotated Code of Maryland, for what is mandated by law to be included in the model policy.

Maryland's Model Policy may be found at:

<http://www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/19401/ModelBullyingPolicyDRAFT102108.pdf>

This Bulletin has been arranged around three over-arching topics:

Prevention; Intervention / Remediation; and Consequences, to provide insight into the implementation of bullying prevention and intervention laws.

PREVENTION

1. Does Maryland’s *Model Policy to Address Bullying, Harassment, or Intimidation* address the issue of prevention?

Yes. Maryland’s *Model Policy to Address Bullying, Harassment, or Intimidation*, hereafter referred to as the Policy, states that “The prevention of bullying requires a concerted effort to support a whole-school bullying program involving awareness, prevention, and early intervention training with students, parents, administration, and school staff. A school-wide prevention/intervention program addresses the prohibition of bullying in schools as well as retaliation against individuals who report acts of bullying.”

2. Does the Policy describe what a school will do to prevent bullying?

Yes. The Policy provides specific information on what prevention efforts will include. However, the Policy does not provide an exhaustive list of all the actions schools can take to address the prevention of bullying. The Policy states that prevention *includes* designated items, although MSDE encourages schools to take additional actions and measures beyond those listed in the Policy, as needed, in order to prevent bullying.

The Policy requires that prevention efforts include at least annual professional development for administrators and all staff to increase awareness of the prevalence, causes, and consequences of bullying and to increase the use of evidence-based strategies for preventing bullying. Additional professional development may be provided for new employees who are hired after the start of the school year and thus were unable to attend the scheduled professional development activity. Annual professional development activities should be selected based on the needs of the school at that time. In order to determine the needs of the school, administrators should solicit information from students, staff, and parents about their concerns and perceptions with regard to bullying. This information could be collected through questionnaires or by providing a means for anonymous sharing of information.

Suggested prevention-based efforts to be considered include the following:

- Adoption of a school-wide evidence-based anti-bullying program to be implemented as a part of a system of positive behavioral supports and school improvement efforts at all grade levels.
- Implementation of school climate improvement efforts to promote student involvement in the anti-bullying efforts.
- Collaboration with families and the community to inform parents about the prevalence, causes, and consequences of bullying, including its central role as a public health hazard, and means of preventing bullying.
- Biennial school/building-specific data collection on the prevalence and characteristics of bullying which is to be used to guide local decision-making related to surveillance, prevention, intervention, and professional development.

3. Does the Policy provide information or guidance concerning Cyber Bullying?

No. The Policy states, “In the creation and support of school climates that are safe places to learn, there is an evolving recognition that bullying is a very toxic form of abuse among peers. Students who are bullied and those who bully others are at significant risk of experiencing a range of health, safety, and educational risks. Bullying can be physical (hitting, pushing, shoving), verbal (being teased, threatened, coerced, made fun of, called derogatory names) or relational (spreading rumors, being left out or ostracized). However, students often use electronic devices to bully their peers. The use of technology in peer abuse is called cyber bullying. Cyber bullying includes acts such as posting negative comments on a social media site, sending malicious or defamatory tweets, sexting (sending explicit material, photos or videos), impersonating another person and sending negative messages and other forms of on-line abuse.

“**Cyber bullying**” may be defined as a person tormenting, threatening, harassing, or embarrassing another person using the Internet or other electronic technologies, for example, smart phones. The psychological and emotional outcomes of cyber bullying are similar to those of in person bullying. The difference is that traditional, non-virtual bullying often ends when the school day ends. Cyber bullying can occur twenty-four hours a day.

Types of Online Bullying:

According to the [InternetSafety101curriculum](http://internetsafety101.org/cyberbullying.htm) (<http://internetsafety101.org/cyberbullying.htm>) there are many types of Cyber bullying:

- **Gossip:** Posting or sending cruel gossip to damage a person’s reputation and relationships with friends, family, and acquaintances.
- **Exclusion:** Deliberately excluding someone from an online group.
- **Impersonation:** Breaking into someone’s e-mail or other online account and sending messages that will cause embarrassment or damage to the person’s reputation and negatively affect his or her relationship with others.
- **Harassment:** Repeatedly posting or sending offensive, rude, and insulting messages.
- **Cyber Stalking:** Posting or sending unwanted or intimidating messages, which may include threats.
- **Flaming:** Online fights where scornful and offensive messages are posted on websites, forums, or blogs.
- **Outing and Trickery:** Tricking someone into revealing secrets or embarrassing information, this is then shared online.
- **Cyber Threats:** Remarks on the Internet threatening or implying violent behavior, displaying suicidal tendencies.

Moreover, the 2013 Maryland General Assembly passed legislation, House Bill 396 (Grace’s Law), that was signed into law by the Governor which creates penalties for persons who use a computer or other electronic means to harass or psychologically torment a minor. A person

who violates this law may be found guilty of a misdemeanor and if convicted may be subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

While not a part of the Policy, the latest research indicates that a positive school climate is the best and most effective way to reduce and prevent bullying incidents from occurring. Creating a school climate that is conducive to learning and student safety requires the investment of the leadership and all of the building staff. By modeling desired behaviors, intervening early, teaching problem solving skills, and addressing peer abuse immediately schools reduce the number of behavioral referrals, as well as out of class and out of school suspensions. It is important that schools are continually assessing their climate to ensure that students feel welcomed and safe in order to ensure optimum environments for learning.

- Students and staff should feel they are in a school that is welcoming, inclusive and safe.
- Students and staff should be part of a school community that promotes positive communication and interactions.
- Students and staff should feel physically and emotionally safe.
- Students and staff should feel they are in a building that encourages student success and values the contributions of the teaching community.

4. Does the Policy provide specific recommendations or strategies for building a positive school climate?

Yes. Strategies for building a positive school climate include, but are not limited to:

a. Building positive relationships with students:

- What do students see and hear when they first walk into their school?
- Do they see reminders of the expectations?
- Do they hear teachers welcoming students into the building?
- Do they see staff treating all students in a respectful manner?
- Do they hear positive words from their peers?
- When students are reprimanded, what does that look like?
- Are the corrections administered in ways that maintain a child's dignity and self-esteem?
- Do students feel valued?

If students see and hear positive messages throughout the school day they will be encouraged to act in a positive manner as well. If students and staff work collectively to build a positive foundation, then the school will have far fewer problems with bullying. The improved climate will allow students and staff to more fully focus on instruction and developing meaningful social relationships.

b. Staff visibility: Staff presence and attentiveness is critical. Staff should be present in the hallways and in the lunchroom, with and around students. This should go beyond simply keeping an eye out for misbehavior, and also include taking the time to speak with and listen to students. The impact of regular presence of staff throughout all

environments of a school can be significant.

- c. **Expectations:** Clear and consistent expectations should be identified and posted in each school for all students to see. These expectations should be explicitly taught and practiced, and student adherence to these expectations should be reinforced.
- d. **Teaching respect for diversity:** Students should be taught the expectations of the school and also to respect the differences of one another. Through classroom lessons and school wide curriculum, students can be encouraged to show acceptance to their peers.
- e. **Evaluating the school culture/environment:** While various methods exist to evaluate school climate, consideration should be given to routinely surveying students to determine their perceptions about the school.

INTERVENTION/REMEDICATION

5. Does the Policy provide guidance regarding intervention and remediation?

Yes. The Policy holds that intervention and remediation will include, but are not limited to, the following:

- Professional development for school staff should include how to respond appropriately to students who are bullied, bully others, or are bystanders who report bullying.
- Education/intervention for students exhibiting bullying behaviors will include teaching replacement behaviors, empathy, tolerance and sensitivity to diversity.
- Education/intervention for students who are bystanders to bullying behavior will include the importance of their role in preventing and intervening in bullying. They should be encouraged to minimally tell an adult if they witness an incident of bullying.
- Remedial measures must correct the bullying behavior, prevent future occurrences, and protect the victim.
- Support/counseling will be made available for the victim with protection from retaliation and further episodes of bullying.
- A continuum of interventions will be developed to prevent bullying by addressing the social-emotional, behavioral, and academic needs of students who bully.
- Community health and mental health resources will be made available for students who are unable to stop bullying behaviors despite school intervention, as well as for students involved in bullying behaviors as perpetrators, victims, or witnesses, whose mental or physical health, safety, or academic performance has been impacted.

The Policy only states what intervention and remediation will *include*. The Policy does not in any way limit other types of intervention or remediation that schools can incorporate, as appropriate, or that should be undertaken, as needed, in order to prevent bullying.

6. Are there model procedures for reporting acts of bullying, harassment, or intimidation?

Yes. The Policy provides specific model procedures for reporting acts of bullying, harassment, or intimidation. However, the Policy also expressly states that schools are not limited to the model procedures, and schools are encouraged to develop or refine their own reporting procedures.

The model procedures are restated below, each with some best practice information.

- If a student complains that he/she is currently the victim of bullying, harassment, or intimidation, the staff member will respond quickly and appropriately to investigate and intervene, as safety permits.

Best Practice Tip: Staff members should inform students about the availability of the Reporting Form and how it may be obtained. Staff members should immediately inform the principal of the reported incident and complete the form to best ensure proper documentation.

- If a student expresses a desire to discuss an incident of bullying, harassment, or intimidation with a staff member, the staff member will make an effort to provide the student with a practical, safe, private, and age-appropriate way of doing so.

• **Best Practice Tip:** Staff should ask the student with whom he/she would feel most comfortable discussing the matter.

- Bullying, Harassment, or Intimidation Reporting Forms may be obtained in the school's main (front) office, counselor's office, and other locations determined by the local school system. The forms may be submitted by a student, parent, close adult relative, or staff member to school administration. A student may request assistance from a staff member to complete the form.

Best Practice Tip: Schools should have the Reporting Forms available and freely accessible to students at all times in a designated location of the school, so that students can obtain the forms without any need to make a request to a staff member. If the Reporting Form is not freely available in the school, staff should immediately provide the form to a student upon request, without questioning the student about the need or intended purpose of the request. The Reporting Form should also be available through the school's website; the on-line form must be prominently located and accessible.

- Local school systems will devise ways in which reporting forms may be submitted to school administration.

Best Practice Tip: Any school staff person should accept a Reporting Form from a student or parent. A copy of each Reporting Form received by the school should be immediately given to the principal or the principal's designee.

- Bullying, Harassment, or Intimidation Reporting Forms may also be obtained electronically from the school system's website or a school's website and may be

submitted by a student, parent or guardian, close relative, or staff member to school administration.

Best Practice Tip: Schools should accept the Reporting Form from any of the above identified sources. Parents can submit a Reporting Form on behalf of a child who is a student. There is no requirement that a student complete a Reporting Form. Schools cannot refuse to accept a Reporting Form from any person representing the best interests of the student.

- Bullying, Harassment, or Intimidation Reporting Forms should be made available and accessible in a variety of formats to ease the burden of reporting.

Best Practice Tip: School systems and schools should examine their methods of making the Reporting Form available in terms of the number of reports they receive. If the system's student population is inconsistent with what is known from national reports on the prevalence of bullying in schools then the system should examine its distribution methods.

- Information obtained from the Bullying, Harassment, or Intimidation Reporting Form shall be stored for state data collection, storage, and submission according to the requirements of Education Article § 7-424, Annotated Code of Maryland.

Best Practice Tip: Schools must record and store the information from each submitted Reporting Form regardless of the outcome of any investigation. **Schools cannot unilaterally decide that the reported incident does not constitute bullying, harassment, or intimidation,** for purposes of reporting requirements.

7. Are there model procedures for the prompt investigation of acts of bullying, harassment, or intimidation?

Yes. The Policy provides specific model procedures for investigating acts of bullying, harassment, or intimidation. However, the Policy also expressly states that schools are not limited to the model procedures, and are encouraged to develop or refine their own investigating procedures consistent with the policies and procedures of their local boards of education:

- All reports must be written using the Bullying, Harassment, or Intimidation Reporting Form. They must then be promptly and appropriately investigated by school administrators or the administrative designee, consistent with due process rights, using the Bullying, Harassment, or Intimidation Incident Investigation Form. All reported incidents of bullying should be investigated as timely as possible and **must** be investigated within two (2) school days after receipt of a reporting form.

Best Practice Tip: Investigation should include written or transcribed statements from witnesses, if any, and copies of the investigator's notes or logs related to the incident.

- The school administrator/administrative designee will determine whether bullying, harassment, or intimidation actually occurred by taking steps to verify who committed the act of bullying, harassment, or intimidation and whether others played a role in perpetuating this act. Other related complaints, if any, will be reviewed in making this determination.

Best Practice Tip: In making this determination, school administrators or designees are reminded to refer to the definition of bullying, harassment, or intimidation used in the Policy. Neither victim nor witnesses should be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or if a hearing may result from the ultimate outcome of the investigation. Efforts should be made to increase the confidence and trust of the victim and any witnesses. They should be informed that any information discussed and recorded will be confined to a “need to know” basis.

- The school administrator/administrative designee will immediately notify parents of the victim and offender of the incident.

Best Practice Tip: Schools should make reasonable effort to notify parents on the same day that a Reporting Form is received, or on the date of a reported incident of bullying, harassment, or intimidation. Schools may want to consider meeting with parents of the victim to discuss a plan of support for the victim. Schools should inform parents of the offender that retaliation is strictly prohibited and of consequences if the offender continues bullying, harassment or intimidation. School staff should also meet with the parent of the offender to develop an appropriate intervention plan to address the act(s) of bullying.

- The school administrator/administrative designee will apply consequences and/or remedial actions consistent with due process rights using the range of listed consequences as a guide. The offender will be informed that retaliation against a victim or bystander is strictly prohibited and that progressive consequences will occur if the activity continues.

Best Practice Tip: The school administrator/administrative designee will create a written record of the bullying, harassment, or intimidation incident and any disciplinary actions taken, and include the statements of the victim, witnesses, and offender. Discussions with all parties should be documented as soon as possible after the event. Any material records or evidence will not be discarded while a criminal investigation or prosecution resulting from the incident is ongoing.

Best Practice Tip: Bullying is an imbalance of power. For this reason, the bully and the victim should not be placed in a position of confronting one another. The school should maintain the written record in a separate location from the student’s cumulative folder.

- Separate conferences with the victim and offender will occur within two (2) weeks

after the investigation to determine whether the bullying, harassment, or intimidation has continued and whether additional consequences need to be implemented. These conferences may occur as part of the counseling intervention. Another follow-up conference or conversation will be held with the victim four (4) weeks after the initial follow-up conference to determine if the bullying, harassment, or intimidation has ceased. Local school systems will determine which school system staff will conduct the conferences.

Best Practice Tip: The victim and the offender should not be forced to confront each other. Local school systems are encouraged to develop processes and procedures by which parents/guardians of alleged victims are made aware of what is occurring regarding the incident of bullying.

- The administrator/administrative designee should be aware that some acts of bullying, harassment, or intimidation could also be delinquent acts. Delinquent acts shall be promptly reported to the responsible law enforcement agency according to the Code of Maryland Regulations (COMAR) 13A.08.01.15.

8. Are there steps parents can take if they feel that the school has been unresponsive to their concern or report of bullying?

Yes. In instances wherein parents feel the school has not been responsive to the reported incident, the parent or guardian should contact the local school system's Director of Student Services.

9. If a student with a disability has been bullied, are there other steps the school must take to ensure the child receives a Free Appropriate Public Education (FAPE)?

Yes. Under the Individuals with Disabilities Education Act (IDEA) schools have the responsibility to ensure that a student with a disability who is a target of bullying continues to receive a FAPE in the Least Restrictive Environment (LRE). The U. S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS) issued a letter, August 20, 2013 to provide an overview of a school district's responsibilities under the Individuals with Disabilities Education Act (IDEA) to address bullying of students with disabilities. Bullying of a student with disabilities, regardless of whether or not the bullying is related to the student's disability, is considered a denial of FAPE if it results in the student not receiving meaningful educational benefit. The student's school should convene an Individualized Education Program (IEP) team to determine whether, as a result of the effects of the bullying, the student's needs have changed as a result of the bullying, and revise the IEP as needed. Schools may not attempt to resolve a bullying situation by unilaterally changing the frequency, duration, intensity, placement, or location of a student's special education and related services. These decisions must be made by the student's IEP team and consistent the IDEA's provisions for parental participation as a member of the IEP team. Below is a link to the letter: <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/index.html?exp=8>

10. Are there any recommended supports that are to be provided to the bully, victim, witness, or any bystanders?

Yes. The Policy provides the following list of support services available to the bully, victim, witnesses, and bystanders. This list is presented as a guide that by no means limits school systems from including other additional support services. Interventions and programs should be implemented, as appropriate, based on context, situation, age, and severity. School systems are encouraged to provide a list of the types of available support services based upon their available resources and those available in the communities in which their schools are located, consistent with the policies and procedures of their local boards of education.

Types of supports available to the student bully, victim, witnesses, and bystanders:

Local school systems are encouraged to develop a matrix of support services available in both the school and the community.

School/System

- Referral to the school's student services team for case management
- Counseling
- Conflict resolution
- Problem solving skills training (proactive, constructive, relationship-building)
- Social skills/competency training
- Anger management training
- Educational programming for all affected; this includes, but is not limited to, students, staff, and parents
- Parental involvement
- Peer support groups
- Schedule modifications
- Targeted use of monitors (e.g. hallways, cafeteria, buses)

Community/Family

- Public or private community-based mental health services
- Faith-based services
- Multi-service centers
- Health Department programs
- Youth development organizations
- Community mediations
- Department of Juvenile Services
- Department of Social Services
- Law enforcement agencies

11. Does the Policy contain any direction as to the availability and use of the Bullying, Harassment, or Intimidation Reporting Form?

Yes. The Policy includes the following information regarding the availability and use of the Bullying, Harassment, or Intimidation Reporting Form and is presented as a guide that by no means limits school systems from providing other additional information regarding the availability and use of the reporting form. School systems are encouraged to develop or refine their own methods for providing information regarding the availability and use of the reporting form consistent with the policies and procedures of their local boards of education:

- Schools will inform staff about the availability of the Reporting Form for their use during opening of school meetings and then periodically throughout the school year.
- Schools will inform students about the availability of the Reporting Form and its use during orientation sessions the first week of school.
- Forms will be included in the beginning-of-the-year packet for students and their parents.
- A description about the availability of the Reporting Form and its use should be published in a school's student/parent handbook and in a school's Code of Conduct/Student's Rights and Responsibilities Handbook.
- A description about the availability of the Reporting Form and its use should be published on the local school system's main website which should include the capability for downloading the form. Local school systems should also implement a digitized on-line reporting form.
- Reporting Forms should be available in all schools in the main (front) office, counselor's office, and other locations determined by the local school system.
- A student may request assistance from a staff member to complete the Reporting Form at school if the student wishes.

Best Practice Tip: Students with disabilities may wish to ask their Individualized Education Program (IEP) Chair/Case Manager to assist them in completing the Reporting Form. In general, a student should ask a trusted adult to help them complete the Reporting Form.

CONSEQUENCES

12. Does the Policy contain guidance for Bullying, Harassment or Intimidation?

Yes. The Policy holds that:

- Consequences such as suspensions, expulsions, or protective orders should not be viewed as punishments designed to prevent bullying. Instead these are means of protecting the victim by providing community containment while positive behavioral discipline is implemented.
- Consequences should also include recognition for positive behavior exhibited by the

student who has previously exhibited bullying behavior, the bullied student who is implementing strategies to offset past problems, and the bystander who has taken an active role in addressing bullying behaviors.

13. Is there a set of “Standard Consequences and Remedial Actions for persons committing acts of bullying, harassment, or intimidation, for persons engaged in reprisal or retaliation and for persons found to have made false accusations?”

Yes. Consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation, persons engaged in reprisal or retaliation, and persons found to have made false accusations should be consistently and fairly applied after appropriate investigation has determined that such an offense has occurred. The following list of consequences and remedial actions is presented in no particular order and is provided as a guide that by no means limits school systems from implementing other additional consequences and remedial actions. School systems are encouraged to develop or refine their own consequences and remedial actions consistent with the policies and procedures of their local boards of education:

Standard Consequences

- Time out
- Loss of a privilege
- Verbal reprimand
- Parental notification
- Detention
- Reassignment of seats in class, cafeteria, or bus
- Reassignment of classes
- Reassignment to another mode of transportation
- Reassignment to another school
- Completion of letter of acknowledgement of action, with apology, to victim (after review by staff and not in a case of sexual harassment or intimidation)
- Reparation to victim in the form of payment for or repair of damage to possession
- In-school suspension
- Out-of-school suspension
- Extended suspension
- Transfer to an appropriate alternative program
- Referral to law enforcement
- Expulsion

Remedial Actions

- Parent/student conference
- Restorative Practices such as:
 - Counseling with school counselor, school social worker, or school psychologist

- Education about the effects of bullying, harassment, or intimidation
- Behavioral contract/Positive behavioral supports – e.g. Functional Behavioral Assessment (FBA) that results in the development of a Behavioral Intervention Plan (BIP); remediation of problem behaviors that takes into account the nature of the offense, the developmental level of the student, and the student’s behavioral history
- Referral to an external agency such as the local care team, community counseling centers
- Participation in counseling (delivered by a school or community mental health provider)
- Cooperation with a behavioral management program developed in consultation with a mental health professional
- Satisfactory completion of community service

While local school systems have a continuum of interventions to address bullying, harassment, and intimidation, the use of out-of-school suspension should only be considered as a last resort option when the behavior is chronic, escalating, and/or constitutes a threat of serious harm to the alleged victim.

For more information, call 410-767-0311 or 410-767-7770

MARYLAND STATE DEPARTMENT OF EDUCATION

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200 West Baltimore Street

Baltimore, MD 21201