

## Maryland State Department of Education

### A. PURPOSE

Instructions: The local education agency's policy must include a section entitled purpose.

Maryland's Model Policy to Address Bullying, Harassment, or Intimidation, updated for 2021, with the accompanying *Bullying, Harassment, or Intimidation Reporting Form* (Attachment 1) and *Bullying, Harassment, or Intimidation Incident Investigation Form* (Attachment 2) serves as a model for local education agencies.

All students have the right to be free from bullying, harassment, or intimidation. The Maryland State Department of Education (MSDE) is committed to providing a safe, productive, and inclusive learning environment. Bullying problems are symptomatic of relationship problems best addressed holistically by students, schools, parents/caregivers, and the entire community. Maryland schools should be places where students are surrounded by caring adults who encourage students to treat others with kindness and empathy, while helping to build a relationship-focused, welcoming, supportive school environment fostering academic and personal growth for every student.

### B. DEFINITIONS

Instructions: The local education agency's policy must include, at a minimum, the following definitions. The local education agency may add to the language that is provided.

1. **Bullying** – is unwanted, demeaning behavior among students that involves a real or perceived power imbalance. The behavior is repeated, or is highly likely to be repeated, over time. To be considered bullying, the behavior must be intentional and include: 1) *an imbalance of power* (students who bully use their physical, emotional, social, or academic power to control, exclude, or harm others), and 2) *repetition* (bullying behaviors happen more than once or are highly likely to be repeated based on evidence gathered).
2. **Cyberbullying** – is bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through texting, apps, or online via social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or hurtful content about another student. It can include sharing personal or private information about someone else causing embarrassment or humiliation.
3. **Harassment** – includes actual or perceived negative actions that offend, ridicule, or demean another student with regard to race, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, religion, ancestry, physical attributes, socioeconomic status, physical or mental ability, or disability.
4. **Intimidation** – is any communication or action directed against another student that threatens or induces a sense of fear and/or inferiority. Retaliation may be considered a form of intimidation.

### C. LIMITATIONS OF LIABILITY

Model language: In accordance with the statute, a school employee who reports an act of bullying, harassment, or intimidation under the Education Article, Annotated Code of Maryland, Section 7-424.1 in accordance with the county board's policy is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

### D. PROCEDURES

Instructions: The local education agency's policy must include a section on procedures that incorporates communication, reports of acts of bullying, provision of notice, investigation of acts of bullying, and standard consequences of acts of bullying. In certain sections, model language that must be included in the school system's policy is noted.

Model language: Bullying, harassment, or intimidation of any person on school property or at school-sponsored functions or by the use of electronic technology at a public school is prohibited in all Maryland schools. Reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation is prohibited in all Maryland Schools.

1. Communication regarding the availability of the Bullying, Harassment, or Intimidation Reporting Form
  - a. The *Bullying, Harassment, or Intimidation Reporting Form* (Attachment 1) should be used to report incidents of bullying, harassment, or intimidation. Additional information may be added to the form and steps may be added to the procedures for reporting. School systems are encouraged to develop or refine their own methods for providing information regarding the availability and use of this form consistent with the policies and procedures of their local boards of education. Local education agencies should:
    - i. Inform staff about the availability of the *Bullying, Harassment, or Intimidation Reporting Form* for use during opening-of-school meetings and then periodically throughout the school year.
    - ii. Inform students about the availability of the *Bullying, Harassment or Intimidation Reporting Form* and its use during orientation sessions in classes during the first week of school.
    - iii. Assist students upon request in completing the *Bullying, Harassment, or Intimidation Reporting Form* at school.
    - iv. Publish a description of the use and availability of the *Bullying, Harassment, or Intimidation Reporting Form* in the school's student/parent handbook and in its Code of Conduct. Information may also be included in the beginning of the year packets/handbooks for students and parents/caregivers.
    - v. Publish a description about the availability of the *Bullying, Harassment or Intimidation Reporting Form* and its use on the local education agency's main website, which should include the capability for downloading the form or filling out the form online. Each local education agency should have a user-friendly, online platform for students, staff, parents/caregivers, or close adult relative to

be able to complete and submit the Bullying, Harassment, or Intimidation Reporting Form online.

- vi. Make the Bullying, Harassment, or Intimidation Reporting Form available in all schools in the main (front) office, counselor's office, and other locations determined by the local education agency.

## 2. Report of Acts of Bullying, Harassment, or Intimidation

- a. *The Bullying, Harassment, or Intimidation Reporting Form* should be used to report alleged incidents of bullying, harassment, or intimidation that occurred during the current school year on school property, at a school-sponsored activity or event off school property, on a school bus, on the way to and/or from school, or through electronic communication on or off school property.

The following model procedures for reporting acts of bullying, harassment, or intimidation are presented but by no means limit school systems from implementing other or additional procedures for reporting acts of bullying, harassment, or intimidation. Local education agencies are encouraged to develop or refine their own reporting procedures consistent with the policies and procedures of their local boards of education. Local education agencies should:

- i. Investigate and intervene, as safety permits, quickly, and appropriately if a student complains that he/she is currently the targeted student of bullying, harassment, or intimidation.
- ii. Provide the student with a practical, safe, private, and age-appropriate way of discussing an incident of bullying, harassment, or intimidation if a student expresses a desire to do so.
- iii. Reduce the barriers that prevent both targeted students and student bystanders from reporting acts of bullying, harassment, or intimidation. Barriers may include feelings of powerlessness, fear of retaliation, and a lack of trust in the adults in the building.
- iv. Devise ways in which the reporting bullying, harassment, or intimidation reporting forms may be submitted to school administration.
- v. Record information obtained from the *Bullying, Harassment, or Intimidation Reporting Form* for data collection, storage, and submission according to the requirements of the statute.
- vi. Provide summary information the school system obtained from the *Bullying, Harassment, or Intimidation Reporting Form* for individual schools and the school system.
- vii. Information obtained from the *Bullying, Harassment, or Intimidation Reporting Form* is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act (FERPA) and may not be made a part of a student's permanent educational record.

### 3. Procedures for Providing Notice of an Act of Bullying, Harassment, or Intimidation

- a. The school should take prompt action to provide notice to parents.
  - i. A parent or guardian of the alleged targeted student must be notified, within three business days after the date the act is reported.
  - ii. A parent or guardian of the alleged perpetrator must be notified within five business days after the date the act is reported.

### 4. Investigation of Acts of Bullying, Harassment, or Intimidation

- a. School administration will address incidents that occur at school or have a connection or nexus back to the school setting, that create a risk of harm to other students while they are at school or interfere with the educational environment.

The following model procedures for investigating acts of bullying, harassment or intimidation are presented but by no means limit school systems from implementing other or additional investigation procedures. School systems are encouraged to develop or refine their own investigating procedures consistent with the policies and procedures of their local boards of education. Local education agencies should:

- i. Utilize the *Bullying, Harassment, or Intimidation Investigation Form* (Attachment 2). The incident must be promptly and appropriately investigated by school administration or the administrative designee, consistent with due process rights, using the *Bullying, Harassment, or Intimidation Incident Investigation Form* within two school days after receipt of a reporting form or as timely as possible for school administration.
- ii. Determine whether bullying, harassment, or intimidation 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, should be reviewed in making this determination.
- iii. Establish that neither the targeted student 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 targeted student and any witnesses. Students should be informed that any information discussed and recorded will be confined to “need to know” status.
- iv. Notify parents of the targeted student and offender of the incident.
- v. Apply consequences and/or remedial actions consistent with due process rights using the range of listed consequences as a guide. The offender should be informed that retaliation against a targeted student or bystander is strictly prohibited and that further administrative interventions may occur if the activity continues.
- vi. Create a written record of the bullying, harassment, or intimidation incident and any disciplinary actions taken, as well as the statements of the targeted student 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.

- vii. Conduct separate conferences with the targeted student and offender within two weeks after the investigation to determine whether the bullying, harassment, or intimidation has continued and whether there is a need for further additional interventions or supports. These conferences may occur as part of a counseling intervention. Another follow-up conference or conversation will be held with the targeted student four weeks after the initial follow-up conference to determine if the bullying, harassment, or intimidation has ceased. Local education agencies will determine which school system staff will conduct the conference.
- viii. Be aware that some acts of bullying, harassment, or intimidation could also be delinquent acts. If the acts are delinquent acts, the acts shall be reported promptly to the responsible law enforcement agency in accordance with the Code of Maryland Regulations (COMAR) 13A.08.01.15.

#### 5. Standard consequences and remedial actions

- a. Consequences and remedial actions for students committing acts of bullying, harassment, or intimidation, students engaged in reprisal or retaliation, and students who have made false accusations shall be consistently and fairly applied after appropriate investigation has determined that such an offense has occurred. Guidelines on consequences and remedial actions include:
  - i. Avoid using exclusionary discipline measures when addressing bullying behavior and should only be used after all other available and appropriate behavioral interventions have been exhausted or if a student's continued presence in school would pose a threat to the safety of others.
  - ii. Consequences for disciplinary infractions should be equitably, consistently, and fairly applied after an appropriate and thorough investigation has determined that a bullying offense has occurred.
  - iii. Schools are encouraged to choose rehabilitative interventions that seek to restore relationships and are designed so students have an opportunity to learn from their mistakes. Schools should assess each bullying situation to determine whether a restorative process is appropriate.
  - iv. Schools are encouraged to address bullying behaviors by using culturally responsive, trauma informed, restorative interventions and work with students to problem-solve, repair harm, and restore relationships.
  - v. Local education agencies are encouraged to develop or refine their own consequences and remedial actions consistent with the policies and procedures of their local boards of education.

## **E. INTERVENTIONS AND SUPPORTS FOR STUDENTS**

Instructions: The local education agency's policy must provide information about the types of support services available to the students involved in bullying situations including the alleged perpetrator, targeted student, and any bystander. In addition, the local education agencies should consider the following best practices:

1. Develop an array of counseling and mental health supports for students involved in bullying situations.
2. Utilize a range of integrated tiered supports, providing universal strategies for all students, targeted supports for both potentially vulnerable students and students exhibiting bullying behaviors, as well as individualized, intensive supports for both the student perpetrator(s) and the targeted student(s).
3. Develop a continuum of culturally responsive social/emotional support for both targeted students and alleged perpetrators, which are integrated with a trauma informed and restorative approach.
4. Provide supports for targeted students that build resilience, increase social connections and peer interaction, reduce the possibility of further episodes of bullying, and that provide a sense of safety and social connection.

## **F. PREVENTION AND EDUCATIONAL PROGRAMS**

Instructions: The local education agency's policy must include prevention and educational programs that meet the needs of the students in the local education agency and individual schools. School systems and schools must develop a schoolwide evidence based educational program with at least annual training for students, staff, volunteers, parents, and caregivers. In addition, the local education agencies should consider the following best practices:

1. Design lessons for students on reporting incidents of bullying, harassment, or intimidation and how to support their peers who may be targeted or vulnerable to bullying perpetration.
2. Utilize school-wide evidence-based anti-bullying programs implemented as a part of a system of positive behavioral supports and school improvement efforts at all grade levels. Programs should have an emphasis on developing a positive, safe, and restorative school climate in all buildings where all students feel physically and emotionally safe.
3. Improve school climate with efforts to promote student involvement in anti-bullying efforts, peer support, mutual respect, and a culture which encourages students to report incidents of bullying to adults.
4. Collaborate 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 the means of preventing it.

## **G. PROFESSIONAL LEARNING**

Instructions: The local education agency's policy must include professional learning for faculty and staff which meets the needs of the students in the local education agency and individual schools. Development of a training program for teachers and school administrators on the implementation of the model policy with at

least annual training is required. In addition, the local education agencies should consider the following best practices:

1. Offer professional learning that is job embedded and ongoing during the school year.
2. Develop ongoing job embedded training opportunities for school administrators using evidence-based practices to cover topics such as reporting, investigating, remediating and follow-up with students and families involved in bullying situations.
3. Train teachers and school staff in adopting a multi-tiered, restorative approach to improve school climate and reduce incidents of bullying, harassment, or intimidation.
4. Provide strategies to teachers on the development of a safe, supportive, culturally responsive classroom system, integrating social/emotional learning, trauma informed practices, restorative approaches to help all students feel welcomed, included, and connected.
5. Provide strategies to teachers and school staff to increase awareness and the ability to identify and appropriately respond to bullying behaviors.
6. Provide strategies that increase staff awareness in identifying and supporting students who may be vulnerable to the perpetration of bullying, harassment, or intimidation. This may include students with disabilities, students without social connections, or any student who is perceived as different from their peers.
7. As part of a school-wide effort, share information with staff about the importance of adult visibility, especially during non-instructional activities such as lunch, recess, and hallway transitions. School staff should be reminded to be on the look-out for signs of bullying, harassment, or intimidation in all situations.