

BILL: House Bill 365
TITLE: Public Schools – Bullying, Harassment, and Intimidation Policies – Update
DATE: February 18, 2016
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
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The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, appreciates the General Assembly's strong interest in promoting efforts to reduce incidents of bullying, harassment and intimidation of students.

Specifically, MABE appreciates the intent of this bill to make sure that the State's model bullying policy and each local board's bullying policy appropriately address cyber bullying. This relatively new and extraordinarily harmful phenomena is a serious issue worthy of our collective efforts. However, MABE does not support imposing a new legislative mandate regarding bullying policies.

MABE believes that the issues of education, prevention, and responses to the harassment and intimidation, or bullying, of students is being ably addressed through existing state and local school system policies and procedures. Each of Maryland's twenty-four local school systems take very seriously the challenge and responsibility to address bullying every day, in each of the more than 1,400 public schools across the State.

In 2003, the State Board of Education adopted regulations to address bullying, which state: "All students in Maryland's public schools, without exception and regardless of race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to educational environments that are safe, appropriate for academic achievement, and free from any form of harassment." The adoption of this language was controversial and took several years to complete. However, the State Board's final action sent a clear signal to all local school systems to bolster efforts to eliminate bullying and harassment, and to respond swiftly and appropriately when such incidents do occur. Within the Maryland State Department of Education (MSDE), the Student Services and Alternative Programs Branch staff provide leadership and technical assistance to local school systems to promote a safe educational environment conducive to learning and free from bullying and harassment. This office also administers the uniform reporting system established by the Safe Schools Reporting Act of 2005.

The Safe Schools Reporting Act of 2005 requires MSDE to develop and implement a statewide bullying reporting system. The Act defines student "harassment or intimidation" to mean conduct, including verbal conduct occurring on school property, at a school activity or event, or on a school bus that: (1) Creates 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: 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 threatening or seriously intimidating.

In addition, MSDE has published and distributed a “Harassment or Intimidation (Bullying) Reporting Form”, and the “Harassment or Intimidation (Bullying) Incident School Investigation Form;” and collects the locally reported data and compiles annual reports as mandated by the 2005 law. The activities arising from the 2005 passage of the Safe Schools Reporting Act represent an unprecedented degree of state involvement in monitoring the extent of, and responses to, bullying incidents in local school systems. MABE believes this reporting system has raised awareness regarding the importance of sustaining efforts to respond to every incident of bullying that occurs. These state efforts are appreciated by local school boards and superintendents, who recognize the need for collaboration in developing strategies to reduce incidents of bullying and the need to share best practices.

At the local level, in addition to complying with the requirements of the Safe Schools Reporting Act, school boards have adopted policies and directed superintendents to adopt corresponding procedures to prohibit and respond to incidents of bullying. Local school systems place a very high priority on providing an environment in which students feel safe in order to learn and flourish. School systems make clear to all students that any conduct that threatens the safety and sense of well being of other students and staff will not be tolerated and disciplinary action may be taken. School systems emphasize the need for immediate reporting of all incidents to a teacher, school administrator or other school staff, and all complaints concerning bullying are required to be fully investigated.

For these reasons, MABE requests an unfavorable report on House Bill 365.