

HOUSE BILL 350

F1
HB 1356/22 – W&M

3lr1446

By: **Delegate Grammer**

Introduced and read first time: January 26, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Reporting of Sexual Misconduct, Stalking, and Harassment**
3 **(Report Act of 2023)**

4 FOR the purpose of requiring a school administration to file an administrative incident
5 report if sexual misconduct, stalking, or harassment is reported to the school
6 administration; requiring the school administration to provide a copy of the
7 administrative incident report to the victim and the parent of the victim; requiring
8 each county board of education to adopt a policy specifying the penalty for a violation
9 of this Act; and generally relating to public schools and the reporting of sexual
10 misconduct, stalking, and harassment.

11 BY adding to
12 Article – Education
13 Section 7–132
14 Annotated Code of Maryland
15 (2022 Replacement Volume)

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

18 **Article – Education**

19 **7–132.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) (I) “HARASSMENT” MEANS FOLLOWING A PERSON IN OR ABOUT**
23 **A PUBLIC PLACE OR MALICIOUSLY ENGAGING IN A COURSE OF CONDUCT THAT**
24 **ALARMS OR SERIOUSLY ANNOYS ANOTHER:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. **WITH THE INTENT TO HARASS, ALARM, OR ANNOY THE**
2 **OTHER;**

3 2. **AFTER RECEIVING A REASONABLE WARNING OR**
4 **REQUEST TO STOP BY OR ON BEHALF OF THE OTHER; AND**

5 3. **WITHOUT A LEGAL PURPOSE.**

6 (II) **“HARASSMENT” DOES NOT INCLUDE A PEACEABLE**
7 **ACTIVITY INTENDED TO EXPRESS A POLITICAL VIEW OR PROVIDE INFORMATION TO**
8 **OTHERS.**

9 (3) **“SCHOOL ADMINISTRATION” MEANS A PRINCIPAL OF A PUBLIC**
10 **SCHOOL OR A DESIGNEE OF THE PRINCIPAL.**

11 (4) **“SEXUAL MISCONDUCT” MEANS AN ACT PUNISHABLE UNDER**
12 **TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.**

13 (5) **“STALKING” HAS THE MEANING STATED IN § 3-802 OF THE**
14 **CRIMINAL LAW ARTICLE.**

15 (B) **IF SEXUAL MISCONDUCT, STALKING, OR HARASSMENT IS REPORTED TO**
16 **A SCHOOL ADMINISTRATION, THE SCHOOL ADMINISTRATION SHALL:**

17 (1) **FILE AN ADMINISTRATIVE INCIDENT REPORT WITH THE COUNTY**
18 **BOARD THAT INCLUDES:**

19 (I) **THE NAME OF THE PERSON WRITING THE REPORT;**

20 (II) **THE TIME AND DATE OF THE INCIDENT;**

21 (III) **THE LOCATION OF THE INCIDENT;**

22 (IV) **A DESCRIPTION OF THE INCIDENT;**

23 (V) **A RECORD OF INJURIES AND DAMAGES;**

24 (VI) **THE NAME OF ANY WITNESSES; AND**

25 (VII) **STATEMENTS OF ANY WITNESSES; AND**

26 (2) **PROVIDE A COPY OF THE ADMINISTRATIVE INCIDENT REPORT TO:**

1 **(I) THE VICTIM OF THE SEXUAL MISCONDUCT, STALKING, OR**
2 **HARASSMENT; AND**

3 **(II) IF THE VICTIM OF THE SEXUAL MISCONDUCT, STALKING, OR**
4 **HARASSMENT IS A STUDENT, THE PARENT OF THE STUDENT.**

5 **(C) EACH COUNTY BOARD SHALL:**

6 **(1) ADOPT REGULATIONS THAT SPECIFY THE REQUIREMENTS OF AN**
7 **ADMINISTRATIVE INCIDENT REPORT FILED UNDER SUBSECTION (B) OF THIS**
8 **SECTION;**

9 **(2) ADOPT A POLICY THAT SPECIFIES THE PENALTY FOR A VIOLATION**
10 **OF ANY PROVISION OF THIS SECTION, UP TO AND INCLUDING TERMINATION OF**
11 **EMPLOYMENT; AND**

12 **(3) WITHIN 30 DAYS AFTER THE FINAL DAY OF EACH SCHOOL YEAR,**
13 **REPORT THE TOTAL NUMBER OF ADMINISTRATIVE INCIDENT REPORTS FILED**
14 **UNDER THIS SECTION TO THE DEPARTMENT.**

15 **(D) WITHIN 60 DAYS AFTER THE FINAL DAY OF EACH SCHOOL YEAR, THE**
16 **DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH**
17 **§ 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE TOTAL NUMBER OF**
18 **ADMINISTRATIVE INCIDENT REPORTS FILED UNDER THIS SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2023.