

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 740 – *Safe Schools Reporting Act of 2004*.

House Bill 740 requires the State Board of Education to require the county boards of education to report incidents of harassment and intimidation. “Harassment and intimidation” is defined as conduct on school property, including verbal conduct that:

“(1) creates ... a hostile educational environment by substantially interfering with a student’s benefits, opportunities, or performance, or with a student’s physical or psychological well-being and is:

(i) motivated by an actual or perceived personal characteristic such as race, national origin, marital status, sex, sexual orientation, gender identity, religion or disability; or

(ii) threatening or seriously intimidating ...”.

The Maryland State Department of Education (MSDE) is tasked by the legislation with creating a standard “victim of harassment or intimidation form”, with certain enumerated required information. Each county board must submit summaries of the report forms to MSDE on or before January 31 of each year. Then, MSDE must submit a report to the legislative committees summarizing the information from the report forms filed with the county boards the previous year. This report is to include a description of the harassing or intimidating act, the age of the victim and alleged perpetrator, the allegation of the alleged perpetrator’s motive, a description of the investigation and any corrective action by school authorities, and the number of false allegations reported. The bill is to take effect on July 1, 2004, and would remain effective for four years.

Maintaining safe schools throughout Maryland is one of the highest priorities of my Administration. In fact, MSDE has taken significant steps in recent years to reach that goal. In 1999, MSDE promulgated a regulation in the interest of ensuring and promoting an environment safe for learning. The regulation, COMAR 13A.01.04.03, clearly establishes the State policy that “All students in Maryland’s Public Schools ... [have] the right to educational environments that are: A. Safe; B. Appropriate for academic achievement; and C. Free from any form of harassment.”

MSDE has taken significant actions to enforce this regulation. MSDE formed a workgroup to examine strategies to assist the county boards in implementing this regulation. The group is still meeting to discuss reporting and accountability models and prevention programs. Moreover, MSDE currently requires that all incidents of harassment resulting in suspension be reported to MSDE. This data is compiled in MSDE’s annual “Suspensions, Expulsions, and Health Related Exclusions Report”. Additionally, each county board has an annual safe schools action plan that has been collected by MSDE since 2001. As part of the review of these plans, MSDE provides technical assistance to the county boards related to national and local programs on harassment prevention and response. The workgroup is evaluating this process and may make recommendations to improve it. Simply stated, this bill duplicates existing efforts.