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FISCAL AND POLICY NOTE
First Reader

House Bill 41
Ways and Means

(Delegate Arentz)

**Public Schools - Boards of Education - Anonymous Two-Way Text Messaging
Tip Programs**

This bill requires each local board of education to establish a two-way text messaging tip program for students to anonymously report bullying, harassment, or intimidation of a student. The purpose of the program is for a student or parent, guardian, or close adult relative of a student or a school staff member to report acts of bullying, harassment, or intimidation. Each local board of education must publicize the anonymous two-way text messaging tip program in student handbooks, school system websites, and other locations that the local board determines are necessary or appropriate. On receipt of a report of an act of bullying, harassment, or intimidation from an anonymous two-way text messaging tip, the recipient of the report or the recipient's designee must (1) complete a victim of bullying, harassment, or intimidation report form as required currently for reports and (2) provide a transcript of the conversation to a designated person in the school. The information received through a two-way text messaging tip program is confidential and may not be made a part of a student's permanent educational record. The State Board of Education must update its model policy to include information regarding the availability and use of an anonymous two-way text messaging tip program.

Fiscal Summary

State Effect: None. The State Board of Education can update its model policy to include information regarding the availability and use of an anonymous two-way text messaging tip program using existing resources. Revenues are not affected.

Local Effect: It is assumed that any costs associated with establishing and monitoring an anonymous two-way text messaging tip program can be absorbed in most if not all local school system budgets. Similar programs cost between \$1.25 and \$1.75 per student. It is assumed that the program can be publicized using existing resources. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: The Maryland State Department of Education (MSDE) must require each local board of education to report incidents of harassment or intimidation against public school students that occur on public school property, at school activities or events, or on school buses. An incident of harassment or intimidation may be reported by a student or the parent, guardian, or close adult relative of a student. MSDE was required to develop a standard Victim of Harassment or Intimidation Report Form that includes specific information about an incident, and local boards of education must distribute copies of the forms to each public school. Local boards must submit completed forms to the State Board of Education, and MSDE must report annually on the forms received.

Chapter 489 of 2008 required the State Board of Education to develop a model policy that prohibits bullying, harassment, and intimidation in schools. Using the model policy, local boards of education were required to develop policies for the public schools under their jurisdiction.

In addition to a definition of bullying, harassment, or intimidation and a rule prohibiting bullying and retaliation against individuals who report acts of bullying, the model policy developed by the State Board of Education was required to include procedures for reporting bullying, investigating reports of bullying, and disciplining students who have violated school bullying policies. The model policy also includes information about the support services available to students involved in or witnessing bullying and information about the availability and use of the standard bullying report forms developed by MSDE.

Policies established by local boards of education were required to be developed in consultation with students, the parents and guardians of students, school personnel, school volunteers, and members of the community. A chain of command in the bullying reporting process has to be included in each local policy, along with the name and contact information for someone at MSDE who is familiar with bullying reporting and investigation procedures in the applicable school system. Copies of local policies must be included in student handbooks and posted on school system websites. A school employee who reports an act of bullying, harassment, or intimidation in accordance with the local 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.

In addition, local boards of education were required to develop educational programs for students, staff, volunteers, and parents as well as professional development programs that train teachers and administrators to implement the local policies.

Background: The American Psychological Association (APA) defines bullying as “aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words or more subtle actions.” APA notes that individuals engaging in bullying behavior are generally more likely to exhibit other antisocial behaviors and that the victims of bullying often suffer from loneliness, insecurity, and thoughts of suicide. Various sources indicate that bullying incidents typically peak during middle school years.

To address and prevent bullying, Maryland adopted the Safe Schools Reporting Act of 2005 (Chapter 547), which requires a uniform reporting form to be available in public schools to victims of bullying and requires annual reports from MSDE on the incidence of harassment and intimidation. As shown in **Exhibit 1**, the rate of reported incidents per 1,000 students ranged from 2.6 in Harford County to 29.8 in Kent County in the 2013-2014 school year; however, the report theorizes that the wide range in reporting rates is a result of greater levels of bullying awareness in some school systems and the varied means of distributing the reporting form in local school systems.

Exhibit 1
Number of Reported Incidents of Harassment and Intimidation
2013-2014 School Year

<u>Local School System</u>	<u>Incidents per 1,000 Students</u>	<u>Local School System</u>	<u>Incidents per 1,000 Students</u>
Allegany	5.3	Harford	2.6
Anne Arundel	4.2	Howard	5.2
Baltimore City	5.6	Kent	29.8
Baltimore	5.4	Montgomery	2.9
Calvert	12.3	Prince George’s	3.3
Caroline	8.3	Queen Anne’s	6.9
Carroll	6.6	St. Mary’s	5.8
Cecil	10.4	Somerset	12.6
Charles	6.4	Talbot	17.4
Dorchester	19.1	Washington	8.1
Frederick	7.9	Wicomico	11.3
Garrett	8.5	Worcester	7.5

Source: Maryland State Department of Education

In addition, the local school systems with the highest reported incident rates of bullying tend to have a lower overall enrollment. The 2013-2014 school year, the year reported in

the 2015 report, marks the fifth year during which bullying prevention programming was required to be presented by the local school systems to students, staff, and volunteers. It is speculated that the programming further heightened awareness of the issue among the school communities.

Twelve-year-olds were the most frequent victims of bullying, harassment, or intimidation while thirteen-year-olds were the most frequent perpetrators according to the data collected by MSDE, which corroborates national data showing that bullying peaks in middle school.

The National Parent-Teacher Association and APA report that the most effective bullying prevention strategies involve the entire school community. Both also recommend the integration of bullying-related content into school curricula and close adult supervision of students throughout the school day to monitor and prevent bullying behavior before it escalates.

Queen Anne's County Public Schools began an anonymous two-way text messaging tip program in 2013 known as "Text2StopIt!" and operated by Text2Them, Inc. Under the program, first a student texts an incident or a tip using the school's unique text keyword. Once received, Text2Them provides the student with a privacy code and starts the process of acquiring additional information by text such as, what happened, location, dates, times, and names of victims, perpetrators, and witnesses. If the student has pictures or a video of the incident this information can be sent from their cell phones to Text2Them. Once the information is compiled, a complete text conversation is sent to the designated school administrator for follow-up action. Potential suicide, drug use, and other unsafe activity can also be texted. In a life-threatening or emergency situation, a text message is sent to the administrator's cell phone urging them to check his or her email for the full message.

Local Expenditures: It is assumed that any costs associated with establishing and monitoring an anonymous two-way text messaging tip program can be absorbed in most if not all local school system budgets. The cost of setting up a system will depend on the method used to set up the system and the volume of texts received. If the volume of texts is high, there may also be costs associated with assigning someone to complete a standard victim of harassment or intimidation report form for each reported incident. Nevertheless, it is assumed this duty can be easily absorbed by existing personnel in most jurisdictions. Alternatively, the program could be primarily operated by a private company as described below. It is assumed that the program can be publicized using existing resources.

According to MSDE, a similar program operated by a private company costs between \$1.25 and \$1.75 per student per year. *For illustrative purposes only*, based on the September 2015 total K-12 enrollment and an estimated cost of \$1.25 to \$1.75 per student, as shown in **Exhibit 2**, a two-way text messaging tip program costs \$1.1 million to \$1.5 million statewide. Since the costs estimates for this program are based on enrollment,

costs are higher in larger school systems and less in smaller school systems; thus, it is assumed that the costs can be absorbed in most if not all local school system budgets.

Exhibit 2
Estimated Cost If Two-way Text Messaging Tip Program Costs \$1.25 or \$1.75
Based on 2015 Enrollment

<u>Local School System</u>	<u>Total Enrollment</u>	<u>Cost at \$1.25</u>	<u>Cost at \$1.75</u>
Allegany	8,317	\$10,396	\$14,555
Anne Arundel	78,233	97,791	136,908
Baltimore City	79,158	98,948	138,527
Baltimore	107,378	134,223	187,912
Calvert	15,607	19,509	27,312
Caroline	5,305	6,631	9,284
Carroll	25,178	31,473	44,062
Cecil	15,102	18,878	26,429
Charles	25,475	31,844	44,581
Dorchester	4,515	5,644	7,901
Frederick	39,478	49,348	69,087
Garrett	3,682	4,603	6,444
Harford	36,640	45,800	64,120
Howard	53,674	67,093	93,930
Kent	1,912	2,390	3,346
Montgomery	152,043	190,054	266,075
Prince George's	123,191	153,989	215,584
Queen Anne's	7,462	9,328	13,059
St. Mary's	16,948	21,185	29,659
Somerset	2,716	3,395	4,753
Talbot	4,401	5,501	7,702
Washington	21,724	27,155	38,017
Wicomico	14,762	18,453	25,834
Worcester	6,275	7,844	10,981
Total	849,176	\$1,061,470	\$1,486,058

Source: Maryland State Department of Education, Department of Legislative Services

Additional Information

Prior Introductions: HB 853 of 2015 received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): Maryland State Department of Education, www.text2stopit.org
American Psychological Association, Department of Legislative Services

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