

HOUSE BILL 669

F1
HB 41/16 – W&M

7lr2838

By: **Delegates Arentz, Brooks, Jackson, Kittleman, and McDonough**

Introduced and read first time: February 1, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Boards of Education – Anonymous Two-Way ~~Text Messaging~~**
3 **Electronic Tip Programs**

4 FOR the purpose of ~~requiring each~~ authorizing a county board of education to establish an
5 anonymous two-way ~~text messaging~~ electronic tip program; establishing the purpose
6 of the program; requiring each county board of education that establishes an
7 anonymous two-way electronic tip program to publicize the program in certain
8 locations and venues; requiring the completion of a victim of bullying, harassment,
9 or intimidation report form and the provision of a certain transcript to a certain
10 person on receipt of a report of any act of bullying, harassment, or intimidation from
11 an anonymous two-way ~~text messaging~~ electronic tip; authorizing the Governor to
12 include funding in the State budget to provide grants to county boards to establish a
13 certain program; establishing that information received from an anonymous
14 two-way ~~text messaging~~ electronic tip is confidential and may not be made a part of
15 a student's permanent educational record; requiring a certain model policy to include
16 information regarding the availability and use of the program; and generally relating
17 to the establishment of anonymous two-way ~~text messaging~~ electronic tip programs.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 7-424 and 7-424.1(b)
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Education**

4 7–424.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Bullying, harassment, or intimidation” means intentional conduct,
7 including verbal, physical, or written conduct, or an intentional electronic communication,
8 that:

9 (i) Creates a hostile educational environment by substantially
10 interfering with a student’s educational benefits, opportunities, or performance, or with a
11 student’s physical or psychological well-being and is:

12 1. Motivated by an actual or a perceived personal
13 characteristic including race, national origin, marital status, sex, sexual orientation,
14 gender identity, religion, ancestry, physical attributes, socioeconomic status, familial
15 status, or physical or mental ability or disability; or

16 2. Threatening or seriously intimidating; and

17 (ii) 1. Occurs on school property, at a school activity or event, or
18 on a school bus; or

19 2. Substantially disrupts the orderly operation of a school.

20 (3) “Electronic communication” means a communication transmitted by
21 means of an electronic device, including a telephone, cellular phone, computer, or pager.

22 (b) (1) The Department shall require a county board to report incidents of
23 bullying, harassment, or intimidation against students attending a public school under the
24 jurisdiction of the county board.

25 (2) An incident of bullying, harassment, or intimidation may be reported
26 by:

27 (i) A student;

28 (ii) The parent, guardian, or close adult relative of a student; or

29 (iii) A school staff member.

30 (c) (1) The Department shall create a standard victim of bullying, harassment,
31 or intimidation report form.

- 1 (2) Each victim of bullying, harassment, or intimidation report form shall:
- 2 (i) Identify the victim and the alleged perpetrator, if known;
- 3 (ii) Indicate the age of the victim and alleged perpetrator;
- 4 (iii) Describe the incident, including alleged statements made by the
5 alleged perpetrator;
- 6 (iv) Indicate the location of the incident;
- 7 (v) Identify any physical injury suffered by the victim and describe
8 the seriousness and any permanent effects of the injury;
- 9 (vi) Indicate the number of days a student is absent from school, if
10 any, as a result of the incident;
- 11 (vii) Identify any request for psychological services initiated by the
12 victim or the victim's family due to psychological injuries suffered; and
- 13 (viii) Include instructions on how to fill out the form and the mailing
14 address to where the form shall be sent.

15 (3) A county board shall distribute copies of the victim of bullying,
16 harassment, or intimidation report form to each public school under the county board's
17 jurisdiction.

18 **(D) (1) ~~EACH A COUNTY BOARD SHALL~~ MAY ESTABLISH AN ANONYMOUS**
19 **~~TWO-WAY TEXT MESSAGING~~ ELECTRONIC TIP PROGRAM TO ALLOW THE REPORTING**
20 **~~OF AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION OF A STUDENT.~~**

21 **(2) THE PURPOSE OF THE ANONYMOUS ~~TWO-WAY TEXT MESSAGING~~**
22 **ELECTRONIC TIP PROGRAM IS FOR A STUDENT, A PARENT, GUARDIAN, OR CLOSE**
23 **ADULT RELATIVE OF A STUDENT, OR A SCHOOL STAFF MEMBER TO REPORT ACTS OF**
24 **BULLYING, HARASSMENT, OR INTIMIDATION.**

25 **(3) EACH COUNTY BOARD THAT ESTABLISHES AN ANONYMOUS**
26 **TWO-WAY ELECTRONIC TIP PROGRAM SHALL PUBLICIZE THE ANONYMOUS**
27 **TWO-WAY ~~TEXT MESSAGING~~ ELECTRONIC TIP PROGRAM IN STUDENT HANDBOOKS,**
28 **SCHOOL SYSTEM WEB SITES, AND OTHER LOCATIONS THAT THE COUNTY BOARD**
29 **DETERMINES ARE NECESSARY OR APPROPRIATE.**

30 **(4) ON RECEIPT OF A REPORT OF AN ACT OF BULLYING,**
31 **HARASSMENT, OR INTIMIDATION FROM AN ANONYMOUS ~~TWO-WAY TEXT MESSAGING~~**

1 ELECTRONIC TIP, THE RECIPIENT OF THE REPORT OR THE RECIPIENT'S DESIGNEE
2 SHALL:

3 (I) COMPLETE A VICTIM OF BULLYING, HARASSMENT, OR
4 INTIMIDATION REPORT FORM IN ACCORDANCE WITH SUBSECTION (C) OF THIS
5 SECTION; AND

6 (II) PROVIDE A TRANSCRIPT OF THE CONVERSATION TO A
7 DESIGNATED PERSON IN THE SCHOOL.

8 (5) THE GOVERNOR MAY INCLUDE FUNDING IN THE STATE BUDGET
9 TO PROVIDE GRANTS TO COUNTY BOARDS TO ESTABLISH AN ANONYMOUS TWO-WAY
10 ELECTRONIC TIP PROGRAM.

11 [(d)] (E) (1) Each county board shall submit summaries of report forms filed
12 with the county board to the State Board on or before January 31 each year.

13 (2) A county board shall delete any information that identifies an
14 individual.

15 [(e)] (F) The information contained in a victim of bullying, harassment, or
16 intimidation report form in accordance with subsection (c) of this section **OR RECEIVED**
17 **FROM AN ANONYMOUS TWO-WAY ~~TEXT MESSAGING~~ ELECTRONIC TIP IN**
18 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION:**

19 (1) Is confidential and may not be redisclosed except as otherwise provided
20 under the Family Educational Rights and Privacy Act or this section; and

21 (2) May not be made a part of a student's permanent educational record.

22 [(f)] (G) (1) The Department shall submit a report on or before March 31 each
23 year to the Senate Education, Health, and Environmental Affairs Committee and the
24 House Ways and Means Committee, in accordance with § 2-1246 of the State Government
25 Article, consisting of a summary of the information included in the victim of bullying,
26 harassment, or intimidation report forms filed with the county boards the previous year.

27 (2) The report submitted by the Department shall include, to the extent
28 feasible:

29 (i) A description of the act constituting the bullying, harassment, or
30 intimidation;

31 (ii) The age of the victim and alleged perpetrator;

32 (iii) The allegation of the alleged perpetrator's motive;

1 (iv) A description of the investigation of the complaint and any
2 corrective action taken by the appropriate school authorities;

3 (v) The number of days a student is absent from school, if any, as a
4 result of the incident; and

5 (vi) The number of false allegations reported.

6 7-424.1.

7 (b) (1) By March 31, 2009, the State Board, after consultation with and input
8 from local school systems, shall develop a model policy prohibiting bullying, harassment,
9 or intimidation in schools.

10 (2) The model policy developed under paragraph (1) of this subsection shall
11 include:

12 (i) A statement prohibiting bullying, harassment, and intimidation
13 in schools;

14 (ii) A statement prohibiting reprisal or retaliation against
15 individuals who report acts of bullying, harassment, or intimidation;

16 (iii) A definition of bullying, harassment, or intimidation that is
17 either the same as set forth in subsection (a)(2) of this section or a definition that is not less
18 inclusive than that definition;

19 (iv) Standard consequences and remedial actions for persons
20 committing acts of bullying, harassment, or intimidation and for persons engaged in
21 reprisal or retaliation;

22 (v) Standard consequences and remedial actions for persons found
23 to have made false accusations;

24 (vi) Model procedures for reporting acts of bullying, harassment, and
25 intimidation;

26 (vii) Model procedures for the prompt investigation of acts of bullying,
27 harassment, and intimidation;

28 (viii) Information about the types of support services available to the
29 student bully, victim, and any bystanders; [and]

30 (ix) Information regarding the availability and use of the bullying,
31 harassment, or intimidation form under § 7-424 of this subtitle; **AND**

1 **(X) INFORMATION REGARDING THE AVAILABILITY AND USE OF**
 2 **AN ANONYMOUS TWO-WAY ~~TEXT MESSAGING~~ ELECTRONIC TIP PROGRAM**
 3 **ESTABLISHED UNDER § 7-424 OF THIS SUBTITLE.**

4 (3) By September 1, 2016, and every 5 years thereafter, the State Board,
 5 after consultation with local school systems, shall update the model policy required under
 6 paragraph (1) of this subsection.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 8 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.