

HOUSE BILL 41

F1
HB 853/15 – W&M

(PRE-FILED)

6lr0827

By: **Delegate Arentz**

Requested: October 1, 2015

Introduced and read first time: January 13, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

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

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 7-424 and 7-424.1(b)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2015 Supplement)

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

23 **Article – Education**

24 7-424.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

11 2. Threatening or seriously intimidating; and

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

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

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

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

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

22 (i) A student;

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

24 (iii) A school staff member.

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

27 (2) Each victim of bullying, harassment, or intimidation report form shall:

28 (i) Identify the victim and the alleged perpetrator, if known;

29 (ii) Indicate the age of the victim and alleged perpetrator;

1 (iii) Describe the incident, including alleged statements made by the
2 alleged perpetrator;

3 (iv) Indicate the location of the incident;

4 (v) Identify any physical injury suffered by the victim and describe
5 the seriousness and any permanent effects of the injury;

6 (vi) Indicate the number of days a student is absent from school, if
7 any, as a result of the incident;

8 (vii) Identify any request for psychological services initiated by the
9 victim or the victim's family due to psychological injuries suffered; and

10 (viii) Include instructions on how to fill out the form and the mailing
11 address to where the form shall be sent.

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

15 **(D) (1) EACH COUNTY BOARD SHALL ESTABLISH AN ANONYMOUS**
16 **TWO-WAY TEXT MESSAGING TIP PROGRAM TO ALLOW THE REPORTING OF AN ACT OF**
17 **BULLYING, HARASSMENT, OR INTIMIDATION OF A STUDENT.**

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

22 **(3) EACH COUNTY BOARD SHALL PUBLICIZE THE ANONYMOUS**
23 **TWO-WAY TEXT MESSAGING TIP PROGRAM IN STUDENT HANDBOOKS, SCHOOL**
24 **SYSTEM WEB SITES, AND OTHER LOCATIONS THAT THE COUNTY BOARD**
25 **DETERMINES ARE NECESSARY OR APPROPRIATE.**

26 **(4) ON RECEIPT OF A REPORT OF AN ACT OF BULLYING,**
27 **HARASSMENT, OR INTIMIDATION FROM AN ANONYMOUS TWO-WAY TEXT MESSAGING**
28 **TIP, THE RECIPIENT OF THE REPORT OR THE RECIPIENT'S DESIGNEE SHALL:**

29 **(I) COMPLETE A VICTIM OF BULLYING, HARASSMENT, OR**
30 **INTIMIDATION REPORT FORM IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
31 **SECTION; AND**

32 **(II) PROVIDE A TRANSCRIPT OF THE CONVERSATION TO A**
33 **DESIGNATED PERSON IN THE SCHOOL.**

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

3 (2) A county board shall delete any information that identifies an
4 individual.

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

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

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

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

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

19 (i) A description of the act constituting the bullying, harassment, or
20 intimidation;

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

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

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

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

27 (vi) The number of false allegations reported.

28 7-424.1.

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

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

3 (i) A statement prohibiting bullying, harassment, and intimidation
4 in schools;

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

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

10 (iv) Standard consequences and remedial actions for persons
11 committing acts of bullying, harassment, or intimidation and for persons engaged in
12 reprisal or retaliation;

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

15 (vi) Model procedures for reporting acts of bullying, harassment, and
16 intimidation;

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

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

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

23 **(X) INFORMATION REGARDING THE AVAILABILITY AND USE OF**
24 **AN ANONYMOUS TWO-WAY TEXT MESSAGING TIP PROGRAM ESTABLISHED UNDER §**
25 **7-424 OF THIS SUBTITLE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2016.