

Chapter 197

(House Bill 669)

AN ACT concerning

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

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

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

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

Article – Education

7–424.

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

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

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

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

2. Threatening or seriously intimidating; and

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

2. Substantially disrupts the orderly operation of a school.

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

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

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

(i) A student;

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

(iii) A school staff member.

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

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

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

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

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

(iv) Indicate the location of the incident;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) The number of false allegations reported.

7-424.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 18, 2017.