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FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 669
Ways and Means

(Delegate Arentz, *et al.*)

Education, Health, and Environmental Affairs

Public Schools - Boards of Education - Anonymous Two-Way Electronic Tip
Programs

This bill authorizes a local board of education to establish a two-way electronic tip program for the anonymous reporting of bullying, harassment, or intimidation of a student. The purpose of the program is for a student, parent, guardian, or close adult relative of a student or a school staff member to report acts of bullying, harassment, or intimidation. The Governor may include funding in the State budget to provide grants to local boards of education to establish an anonymous two-way electronic tip program.

Fiscal Summary

State Effect: General fund expenditures increase to the extent that State funds are provided to local school systems in any fiscal year. The State Board of Education can update its model policy to include information regarding the availability and use of an anonymous two-way electronic tip program using existing resources. Revenues are not affected.

Local Effect: Under the bill, establishing an anonymous two-way electronic tip program is optional; thus, any impact on a local school system is due to local choices. School system revenues increase if State grants are provided for a program. Similar programs cost between \$1.25 and \$1.75 per student. It is assumed that if a local program is established it can be publicized using existing resources.

Small Business Effect: None.

Analysis

Bill Summary: Each local board of education that establishes an anonymous two-way electronic tip program must publicize the anonymous two-way electronic 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 a tip, the recipient of the report 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 electronic 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 electronic tip program.

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 1.8 in Worcester County to 19.2 in Dorchester County in the 2014-2015 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.

In addition, the local school systems with the highest reported incident rates of bullying tend to have a lower overall enrollment. The 2014-2015 school year, the year reported in the 2015 report, marks the sixth 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.

Exhibit 1
Number of Reported Incidents of Harassment and Intimidation
2014-15 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	4.7	Harford	2.8
Anne Arundel	3.9	Howard	5.2
Baltimore City	3.7	Kent	18
Baltimore	6.8	Montgomery	2.8
Calvert	6.4	Prince George's	1.9
Caroline	9.8	Queen Anne's	4.0
Carroll	6.5	St. Mary's	4.4
Cecil	7.3	Somerset	8.2
Charles	6.9	Talbot	13.8
Dorchester	19.2	Washington	10.3
Frederick	6.2	Wicomico	14.2
Garrett	5.2	Worcester	1.8

Source: Maryland State Department of Education

A two-way text messaging tip program is one potential type of two-way electronic tip program that a local school system may choose to establish. Other potential types of programs include email or website based programs, or programs that use some combination of text and website based electronic messages.

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: The cost of setting up a system will depend on the method used 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 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 2016 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. It is unknown if other types of two-way electronic messaging programs cost more or less.

Exhibit 2
Estimated Cost If Two-way Text Messaging Tip Program Costs \$1.25 or \$1.75
Based on 2016 Enrollment

<u>Local School System</u>	<u>Total Enrollment</u>	<u>Cost at \$1.25</u>	<u>Cost at \$1.75</u>
Allegany	8,212	\$10,265	\$14,371
Anne Arundel	79,141	98,926	138,497
Baltimore City	78,071	97,589	136,624
Baltimore	108,399	135,499	189,698
Calvert	15,552	19,440	27,216
Caroline	5,388	6,735	9,429
Carroll	24,866	31,083	43,516
Cecil	14,977	18,721	26,210
Charles	25,523	31,904	44,665
Dorchester	4,565	5,706	7,989
Frederick	40,113	50,141	70,198
Garrett	3,638	4,548	6,367
Harford	36,593	45,741	64,038
Howard	54,384	67,980	95,172
Kent	1,893	2,366	3,313
Montgomery	154,696	193,370	270,718
Prince George's	125,188	156,485	219,079
Queen Anne's	7,492	9,365	13,111
St. Mary's	17,130	21,413	29,978
Somerset	2,774	3,468	4,855
Talbot	4,322	5,403	7,564
Washington	21,901	27,376	38,327
Wicomico	14,890	18,613	26,058
Worcester	6,313	7,891	11,048
Total	856,021	\$1,070,026	\$1,498,037

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

Additional Information

Prior Introductions: HB 41 of 2016 received a hearing in the House Ways and Means Committee, but no further action was taken. 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): Anne Arundel, Charles, Montgomery, and Queen Anne's counties: Maryland State Department of Education; Department of Legislative Services

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