

# SENATE BILL 904

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By: **Senators Waugh and Miller**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 15, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Schools – Social Media Use by Educators**

3 FOR the purpose of requiring the State Board of Education to develop a certain model policy  
4 for public schools regarding the use of social media by educators; requiring the model  
5 policy to include certain guidelines and certain model forms; requiring each local  
6 school system to establish a certain policy regarding the use of social media and to  
7 provide certain training relating to the policy; requiring an educator who opts to use  
8 social media in the classroom or in connection with school-related activities in  
9 accordance with the local school system's policy to indicate the individual's consent  
10 on a certain form, establish a certain professional account, and communicate on  
11 social media with or about students only through the professional account;  
12 prohibiting an educator from publishing a work product or image of a student on a  
13 social media personal account; prohibiting a certain person from compelling an  
14 educator to use social media in the classroom or in connection with school-related  
15 activities; requiring a student, parent, or guardian who consents to certain uses of  
16 social media in the classroom or in connection with school-related activities to  
17 indicate the individual's consent on a certain form; prohibiting a certain person from  
18 compelling a student, parent, or guardian to consent to certain uses of social media;  
19 providing for the application of this Act; and generally relating to the use of social  
20 media in public schools.

21 BY adding to

22 Article – Education

23 Section 7-441

24 Annotated Code of Maryland

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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.



(2014 Replacement Volume and 2017 Supplement)

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

**Article – Education**

**7-441.**

**(A) THIS SECTION DOES NOT APPLY TO THE USE OF INTERNAL SCHOOL NETWORKS AND SYSTEMS FOR OFFICIAL SCHOOL PURPOSES SUCH AS GRADE REPORTING.**

**(B) THE STATE BOARD SHALL DEVELOP A MODEL POLICY FOR PUBLIC SCHOOLS REGARDING THE USE OF SOCIAL MEDIA BY EDUCATORS THAT:**

**(1) PROTECTS STUDENT PRIVACY AND EDUCATOR INTEGRITY; AND**

**(2) ALLOWS SAFE AND APPROPRIATE:**

**(I) COMMUNICATION AMONG EDUCATORS AND WITH STUDENTS, PARENTS, AND GUARDIANS;**

**(II) PROMOTION OF SCHOOL ACTIVITIES; AND**

**(III) USE OF SOCIAL MEDIA BY EDUCATORS IN THE CLASSROOM AND IN CONNECTION WITH SCHOOL-RELATED ACTIVITIES.**

**(C) THE MODEL POLICY DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:**

**(1) GUIDELINES THAT ADDRESS:**

**(I) THE USE AND PUBLISHING OF STUDENT NAMES, IMAGES, AND WORK PRODUCTS;**

**(II) THE USE OF OTHER PERSONALLY IDENTIFIABLE INFORMATION;**

**(III) LOCATION TAGS ON SOCIAL MEDIA POSTINGS;**

**(IV) COMMERCIALIZATION OF A CLASSROOM THROUGH PRODUCT PLACEMENT, SOLICITATION, OR ADVERTISEMENT;**

1 (V) APPROPRIATE AND INAPPROPRIATE IMAGES AND  
2 DEPICTIONS OF CONDUCT;

3 (VI) PROFESSIONAL, EDUCATIONAL, AND RESPECTFUL  
4 CONTENT;

5 (VII) THE SUGGESTION OR ENCOURAGEMENT OF ILLEGAL  
6 ACTIVITY;

7 (VIII) DEFAMATORY, THREATENING, HARASSING, OR  
8 DISCRIMINATING CONTENT;

9 (IX) GRAPHIC, OBSCENE, OR EXPLICIT CONTENT;

10 (X) THE INTERSECTION OF PERSONAL AND PROFESSIONAL  
11 PERSONAS; AND

12 (XI) SCHOOL ADMINISTRATOR OVERSIGHT AND AUTHORITY;

13 (2) A MODEL FORM FOR EDUCATORS TO USE TO INDICATE THEIR  
14 CONSENT TO USE SOCIAL MEDIA IN THE CLASSROOM AND IN CONNECTION WITH  
15 SCHOOL-RELATED ACTIVITIES IN ACCORDANCE WITH THE GUIDELINES; AND

16 (3) A MODEL FORM FOR STUDENTS, PARENTS, AND GUARDIANS TO  
17 USE TO INDICATE THEIR CONSENT TO THE USE OF SOCIAL MEDIA IN THE CLASSROOM  
18 AND IN CONNECTION WITH SCHOOL-RELATED ACTIVITIES IN ACCORDANCE WITH  
19 THE GUIDELINES.

20 (D) EACH LOCAL SCHOOL SYSTEM SHALL:

21 (1) ESTABLISH A POLICY REGARDING THE USE OF SOCIAL MEDIA BY  
22 EDUCATORS BASED ON THE STATE BOARD'S MODEL POLICY; AND

23 (2) PROVIDE TRAINING THAT RELATES TO ITS POLICY ON SOCIAL  
24 MEDIA FOR TEACHERS, ADMINISTRATORS, STAFF, STUDENTS, PARENTS,  
25 GUARDIANS, AND VOLUNTEERS.

26 (E) (1) (I) AN EDUCATOR MAY OPT TO USE SOCIAL MEDIA IN THE  
27 CLASSROOM OR IN CONNECTION WITH SCHOOL-RELATED ACTIVITIES IN  
28 ACCORDANCE WITH THE LOCAL SCHOOL SYSTEM'S SOCIAL MEDIA POLICY.

29 (II) A SCHOOL SYSTEM, STUDENT, PARENT, OR GUARDIAN MAY  
30 NOT COMPEL AN EDUCATOR TO USE SOCIAL MEDIA IN THE CLASSROOM OR IN

1 CONNECTION WITH SCHOOL-RELATED ACTIVITIES.

2 (2) AN EDUCATOR WHO OPTS TO USE SOCIAL MEDIA IN THE  
3 CLASSROOM OR IN CONNECTION WITH SCHOOL-RELATED ACTIVITIES SHALL:

4 (I) INDICATE ON THE FORM PROVIDED BY THE LOCAL SCHOOL  
5 SYSTEM THE INDIVIDUAL'S CONSENT TO THE SOCIAL MEDIA POLICY;

6 (II) ESTABLISH A PROFESSIONAL ACCOUNT THAT IS SEPARATE  
7 FROM ANY PERSONAL ACCOUNT AND USED EXCLUSIVELY FOR SCHOOL-RELATED  
8 ACTIVITIES; AND

9 (III) COMMUNICATE ON SOCIAL MEDIA WITH OR ABOUT A  
10 STUDENT ONLY THROUGH THE PROFESSIONAL ACCOUNT USED EXCLUSIVELY FOR  
11 SCHOOL-RELATED ACTIVITIES.

12 (3) AN EDUCATOR MAY NOT PUBLISH ANY WORK PRODUCT OR IMAGE  
13 OF A STUDENT ON A SOCIAL MEDIA PERSONAL ACCOUNT.

14 (F) (1) (I) A STUDENT OR, IF THE STUDENT IS A MINOR, THE  
15 STUDENT'S PARENT OR GUARDIAN MAY CONSENT TO THE USE OF SOCIAL MEDIA IN  
16 THE CLASSROOM OR IN CONNECTION WITH SCHOOL-RELATED ACTIVITIES IN  
17 ACCORDANCE WITH THE LOCAL SCHOOL SYSTEM'S SOCIAL MEDIA POLICY.

18 (II) A LOCAL SCHOOL SYSTEM, AN EDUCATOR, OR ANY OTHER  
19 SCHOOL EMPLOYEE MAY NOT COMPEL A STUDENT, PARENT, OR GUARDIAN TO  
20 CONSENT TO THE USE OF SOCIAL MEDIA IN THE CLASSROOM OR IN CONNECTION  
21 WITH SCHOOL-RELATED ACTIVITIES.

22 (2) A STUDENT, PARENT, OR GUARDIAN WHO CONSENTS TO THE USE  
23 OF SOCIAL MEDIA IN THE CLASSROOM OR IN CONNECTION WITH SCHOOL-RELATED  
24 ACTIVITIES IN ACCORDANCE WITH THE SOCIAL MEDIA POLICY SHALL INDICATE THE  
25 INDIVIDUAL'S CONSENT ON THE FORM PROVIDED BY THE LOCAL SCHOOL SYSTEM.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
27 1, 2018.