

SENATE BILL 904

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8lr1326

By: **Senators Waugh and Miller**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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
25 (2014 Replacement Volume and 2017 Supplement)

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

28 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-441.

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

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

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

8 (2) ALLOWS SAFE AND APPROPRIATE:

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

11 (II) PROMOTION OF SCHOOL ACTIVITIES; AND

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

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

16 (1) GUIDELINES THAT ADDRESS:

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

19 (II) THE USE OF OTHER PERSONALLY IDENTIFIABLE
20 INFORMATION;

21 (III) LOCATION TAGS ON SOCIAL MEDIA POSTINGS;

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

24 (V) APPROPRIATE AND INAPPROPRIATE IMAGES AND
25 DEPICTIONS OF CONDUCT;

26 (VI) PROFESSIONAL, EDUCATIONAL, AND RESPECTFUL
27 CONTENT;

1 (VII) THE SUGGESTION OR ENCOURAGEMENT OF ILLEGAL
2 ACTIVITY;

3 (VIII) DEFAMATORY, THREATENING, HARASSING, OR
4 DISCRIMINATING CONTENT;

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

6 (X) THE INTERSECTION OF PERSONAL AND PROFESSIONAL
7 PERSONAS; AND

8 (XI) SCHOOL ADMINISTRATOR OVERSIGHT AND AUTHORITY;

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

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

16 (D) EACH LOCAL SCHOOL SYSTEM SHALL:

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

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

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

25 (II) A SCHOOL SYSTEM, STUDENT, PARENT, OR GUARDIAN MAY
26 NOT COMPEL AN EDUCATOR TO USE SOCIAL MEDIA IN THE CLASSROOM OR IN
27 CONNECTION WITH SCHOOL-RELATED ACTIVITIES.

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

1 **(I) INDICATE ON THE FORM PROVIDED BY THE LOCAL SCHOOL**
2 **SYSTEM THE INDIVIDUAL’S CONSENT TO THE SOCIAL MEDIA POLICY;**

3 **(II) ESTABLISH A PROFESSIONAL ACCOUNT THAT IS SEPARATE**
4 **FROM ANY PERSONAL ACCOUNT AND USED EXCLUSIVELY FOR SCHOOL-RELATED**
5 **ACTIVITIES; AND**

6 **(III) COMMUNICATE ON SOCIAL MEDIA WITH OR ABOUT A**
7 **STUDENT ONLY THROUGH THE PROFESSIONAL ACCOUNT USED EXCLUSIVELY FOR**
8 **SCHOOL-RELATED ACTIVITIES.**

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

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2018.