

HB0670/243621/1

BY: Delegate Acevero

AMENDMENTS TO HOUSE BILL 670, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (HB0670/992612/1), in line 12 of Amendment No. 1, before “establishing” insert “repealing certain provisions of law relating to the establishment of the Baltimore City School Police Force; prohibiting a local school system from contracting with certain law enforcement agencies for a certain purpose; prohibiting a local school system from establishing its own police force; requiring each local school system to designate a security coordinator; altering the training required to be a school security employee at a public school in the State; requiring the Center to collect certain data regarding school security employees; altering the issues for which the Center, in collaboration with local law enforcement agencies and local school systems, is required to develop certain guidelines; altering the school years during which each local school system is required to file a certain report; repealing a requirement that each local school system post certain information on its website; requiring the Center to collect data on all incidents of restraint by certain persons against a student under certain circumstances;”.

On page 5 of the House Judiciary Committee Amendments, after line 18 of Amendment No. 1, insert:

“BY repealing

Article – Education

Section 4–318

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)”;

in line 21, after “Section” insert “7–1501(a) and (d) and”; and in line 24, before “18–3701” insert “7–128”.

(Over)

On page 4 of the bill, after line 19, insert:

“BY repealing and reenacting, with amendments,
Article – Education
Section 7–1501(j), 7–1508, and 26–102
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)”.

AMENDMENT NO. 2

On page 6 of the bill, after line 9, insert:

“[4–318.

(a) In this section, “Baltimore City school police officer” means any person who, when acting in an official capacity, is authorized by law to make arrests and who is a member of the Baltimore City School Police Force.

(b) There is a Baltimore City School Police Force.

(c) The members of the Baltimore City School Police Force shall be employees of and be appointed by the Baltimore City Board of School Commissioners.

(d) (1) Except as provided in paragraph (3) of this subsection, a Baltimore City school police officer has all the powers of a law enforcement officer in the State.

(2) (i) A Baltimore City school police officer may act in an official capacity only on the premises of schools and any other property used for educational purposes owned, leased, or operated by, or under the control of the Baltimore City Board of School Commissioners.

(ii) A Baltimore City school police officer may not act in an official

capacity on any other property unless:

1. Engaged in fresh pursuit of a suspected offender;
2. Requested or authorized to do so by the Police Commissioner of Baltimore City;
3. The exercise of power is necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the Baltimore City School System; or
4. Ordered to do so by the Mayor of Baltimore City.

(3) (i) Notwithstanding any other provision of law, a Baltimore City school police officer whose permanent or temporary assignment is at a school or on school property may carry a firearm on the premises of the school to which the officer is assigned before or after regular school hours on school days and on days other than school days.

(ii) The Baltimore City Board of School Commissioners shall establish policies to implement the provisions of subparagraph (i) of this paragraph.

(e) (1) In consultation with the Maryland Police Training and Standards Commission, the Civil Service Commission of Baltimore City shall adopt:

(i) Requirements for education, training, human and public relations skills, and moral character that an applicant must meet to qualify for employment as a Baltimore City school police officer; and

(ii) Standards for the performance of duties.

(2) Any requirements adopted by the Civil Service Commission on or

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after July 1, 1991 may not affect the status of any individual who is a qualified Baltimore City school police officer on that date.

(f) The Baltimore City Board of School Commissioners shall adopt regulations governing the:

(1) Operation of the Baltimore City School Police Force; and

(2) Conduct of each Baltimore City school police officer.

(g) This section does not:

(1) Make a Baltimore City school police officer a member of the Baltimore City Police Department; or

(2) Affect the salary, benefits, or retirement program of an employee of Baltimore City or the Baltimore City Board of School Commissioners.

(h) Beginning July 1, 2017, and every 2 years thereafter, the Baltimore City School Police Force shall submit a report to the members of the Baltimore City Delegation to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

(1) The condition of vehicles and firearms of the Baltimore City School Police Force; and

(2) The anticipated needs of the Baltimore City School Police Force for vehicles and firearms for the following 2 years.]

7-128.

(A) A LOCAL SCHOOL SYSTEM MAY NOT CONTRACT WITH A CITY, COUNTY,

OR STATE LAW ENFORCEMENT AGENCY TO STATION POLICE OFFICERS OR OTHER
LAW ENFORCEMENT PERSONNEL WITH ARREST AUTHORITY IN SCHOOLS OR ON
SCHOOL PROPERTY.

**(B) A LOCAL SCHOOL SYSTEM MAY NOT ESTABLISH ITS OWN POLICE
FORCE.**

7-1501.

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

(d) “Center” means the Maryland Center for School Safety.

(j) “School resource officer” means:

(1) A law enforcement officer as defined under § 3-101(e) of the Public
Safety Article who has been assigned to a school in accordance with a memorandum of
understanding between the chief of a law enforcement agency as defined under § 3-
101(b) of the Public Safety Article and the local education agency; or

(2) A Baltimore City school police officer[, as defined in § 4-318 of this
article].

7-1508.

(a) (1) Each local school system shall designate a [school safety] SECURITY
coordinator.

(2) A designated [school safety] SECURITY coordinator shall:

(i) Be certified by the Center; and

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(ii) Serve as a liaison between the local school system, the local law enforcement agency, and the Center.

(b) (1) (i) On or before September 1, [2018] 2021, the Center, in consultation with local school systems, shall:

1. Develop a specialized curriculum for use in training of school [resource officers and school] security employees; and

2. Submit the curriculum to the Maryland Police Training and Standards Commission for approval.

(ii) The specialized curriculum developed under this subsection shall include training in:

1. De-escalation;

2. Disability awareness;

3. Maintaining a positive school climate;

4. Constructive interactions with students; and

5. Implicit bias and disability and diversity awareness with specific attention to racial and ethnic disparities.

(iii) 1. The specialized curriculum developed under this subsection may not go into effect until it is approved by the Maryland Police Training and Standards Commission.

2. If the Maryland Police Training and Standards Commission does not initially approve the specialized curriculum, the Center shall amend the curriculum until it meets with the Commission's approval.

(2) On or before March 1, [2019] 2022, the Center shall develop and submit to the Maryland Police Training and Standards Commission for approval a model training program that meets the requirements of the curriculum approved under paragraph (1) of this subsection.

(3) [Each local law enforcement agency shall:

(i) Enroll individuals assigned to be school resource officers in the model training program developed by the Center under paragraph (2) of this subsection; or

(ii) 1. Submit to the Maryland Police Training and Standards Commission for approval a training program that is consistent with the curriculum developed under paragraph (1) of this subsection; and

2. Enroll individuals assigned to be school resource officers in the training program developed under item 1 of this item.

(4) Beginning September 1, [2019] 2022, to be [assigned] EMPLOYED as a school [resource officer] SECURITY EMPLOYEE AT A PUBLIC SCHOOL IN THE STATE, an individual shall[:

(i) Complete:

1. The] COMPLETE THE model training program developed by the Center under paragraph (2) of this subsection through instruction

provided by the Center in collaboration with the Maryland Police Training and Standards Commission]; or

2. A local law enforcement agency's training program developed under paragraph (3)(ii) of this subsection; and

(ii) Be certified by the Maryland Police Training and Standards Commission.

(5) Beginning September 1, 2019, to be employed as a school security employee at a public school, an individual shall complete:

(i) The model training program developed by the Center under paragraph (2) of this subsection through instruction provided by the Center in collaboration with the Maryland Police Training and Standards Commission; or

(ii) A local law enforcement agency's training program developed under paragraph (3)(ii) of this subsection].

(c) The Center shall collect data regarding the school [resource officers] SECURITY EMPLOYEES in each local school system, including:

(1) The number of full-time and part-time school [resource officers] SECURITY EMPLOYEES assigned to each elementary school, middle school, and high school; and

(2) Any other local school system employees or local law enforcement officers who are fulfilling the role of a school [resource officer] SECURITY EMPLOYEE.

(d) (1) On or before December 15, [2018] 2021, the Center, in collaboration with local law enforcement agencies and local school systems, shall analyze the initial

data collected under [subsection] SUBSECTIONS (c) AND (G) of this section and develop guidelines to assist local school systems in:

(i) Identifying [the appropriate number and assignment of school resource officers, including supplemental coverage by local] AND ADDRESSING ANY USE OF RESTRAINT OR FORCE BY A SCHOOL SECURITY EMPLOYEE OR BY law enforcement [agencies] OFFICERS CALLED TO A SCHOOL; and

(ii) Collaborating and communicating with local law enforcement agencies ON THE APPROPRIATE CIRCUMSTANCES DURING WHICH A SCHOOL EMPLOYEE SHOULD CONTACT LAW ENFORCEMENT.

(2) On or before July 1, [2019] 2022, each local school system, in consultation with local law enforcement agencies, shall:

(i) Develop a plan to implement the guidelines developed by the Center; and

(ii) Submit the plan to the Center for review and comment.

(e) (1) Before the [2018–2019] 2022–2023 school year begins, each local school system shall file a report with the Center identifying[:

(i) The public high schools in the local school system’s jurisdiction that have a school resource officer assigned to the school; and

(ii) If a public high school in the local school system’s jurisdiction is not assigned a school resource officer,] the adequate local law enforcement coverage that will be provided to [the] EACH public high school.

(2) Beginning with the [2019–2020] 2022–2023 school year, and each school year thereafter, before the school year begins, each local school system shall, in accordance with the plan developed under subsection (d)(2) of this section, file a report identifying:

(i) The public schools in the local school system’s jurisdiction that have a school [resource officer] SECURITY EMPLOYEE assigned to the school; and

(ii) If a public school in the local school system’s jurisdiction is not assigned a school [resource officer] SECURITY EMPLOYEE, the adequate local law enforcement coverage that will be provided to the public school.

(3) On or before October 1, 2018, and each October 1 thereafter, the Center shall submit a summary of the reports required under this subsection to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

[(f) Each local school system shall post on the school system’s website information on the role and authority of school resource officers assigned to public schools within the school system.]

[(g) (F) (1) For fiscal [year] YEARS 2020 [and each fiscal year thereafter] THROUGH 2022, the Governor shall appropriate in the annual State budget \$10,000,000 to the Fund for the purpose of providing grants to local school systems and local law enforcement agencies to assist in meeting the requirements of subsection (e) of this section.

(2) Grants provided under this subsection shall be made to each local school system based on the number of schools in each school system in proportion to the total number of public schools in the State in the prior year.

[(h)] (G) (1) The Center shall collect data on incidents of RESTRAINT OR use of force [between] BY:

(i) [Any school resource officer and a student while a school resource officer is carrying out the officer's duties; and

(ii) Any school security employee [and] AGAINST a student while the school security employee is carrying out the employee's duties; AND

(II) ANY LAW ENFORCEMENT OFFICER WHO IS ON SCHOOL GROUNDS AGAINST A STUDENT.

(2) On or before December 1, 2020, and each December 1 thereafter, the Center shall submit a report on the data collected under paragraph (1) of this subsection for each jurisdiction, in accordance with federal and State law, to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.”.

On page 20 of the House Judiciary Committee Amendments, after line 6 of Amendment No. 3, insert:

“26-102.

(a) [In this section, “school resource officer” means a law enforcement officer as defined under § 3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency.

(b) The governing board, president, superintendent, OR principal[, or school resource officer] of any public institution of elementary, secondary, or higher education,

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or a person designated in writing by the board or any of these persons, may deny access to the buildings or grounds of the institution to any other person who:

(1) Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution;

(2) Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or

(3) Acts in a manner that disrupts or disturbs the normal educational functions of the institution.

[(c)] (B) Administrative personnel, authorized employees of any public institution of elementary, secondary, or higher education, and persons designated in subsection [(b)] (A) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.

[(d)] (C) The governing board of any public institution of elementary, secondary, or higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:

(1) The institution is closed; or

(2) None of the persons designated in subsection [(b)] (A) of this section are present in the buildings or on the grounds of the institution.

[(e)] (D) A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000, imprisonment not exceeding 6 months, or both if he:

(1) Trespasses on the grounds of any public institution of elementary, secondary, or higher education;

(2) Fails or refuses to leave the grounds of any of these institutions after being requested to do so by a person designated in subsection [(b)] (A) of this section as being authorized to deny access to the buildings or grounds of the institution; or

(3) Willfully damages or defaces any building, furnishing, statue, monument, memorial, tree, shrub, grass, or flower on the grounds of any of these institutions.”.