

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 407
Ways and Means

(Delegates Simmons and King)

Education, Health, and Environmental Affairs

Safe Schools Reporting Act of 2005

This bill requires the Maryland State Department of Education (MSDE) to 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 must 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. After deleting information identifying specific individuals, each local board must submit summaries of the forms to the State Board of Education (SBE) by January 31 of each year. MSDE must submit an annual report with aggregate information collected from the Victim of Harassment or Intimidation Report Forms.

The bill takes effect July 1, 2005 and terminates June 30, 2009.

Fiscal Summary

State Effect: General fund expenditures would increase by an estimated \$59,700 in FY 2006 to provide for a new position to implement and monitor the initiative. Future years reflect annualization and inflation. Depending on the number of report forms submitted to MSDE, general fund expenditures of approximately \$20,000 per year for data entry services could also be incurred. Revenues would not be affected.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	59,700	75,000	79,300	83,800	0
Net Effect	(\$59,700)	(\$75,000)	(\$79,300)	(\$83,800)	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local school systems could participate in the effort with existing resources.

Small Business Effect: None.

Analysis

Current Law: Each local board of education must adopt regulations designed to create and maintain within the schools under its jurisdiction an atmosphere of order and discipline necessary for effective learning. As established in COMAR, all students in Maryland public schools, without exception and regardless of race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to education environments that are safe, optimal for academic achievement, and free from any form of harassment.

Background: In 1999, after new school safety regulations were adopted by SBE, the board directed MSDE to develop an action plan to ensure that all students attend schools that are safe and free of harassment. A workgroup comprised of MSDE employees and local school system personnel developed a “Safe Schools Action Plan” that involves interventions for students and school staff, as well as parents and communities. The action plan was approved by SBE in January 2000. Local school boards have been required to submit their own safety plans annually since January 2001. School safety regulations were later updated to strengthen the identification of specific student subgroups that are included within the policy, and local school systems have updated their action plans to make sure they comply with the new regulations.

A July 2001 publication by the National Conference of State Legislatures, *What Works to Keep Schools Safe*, recommended that, in order to enhance school safety, schools should adopt policies designed to meet certain goals. The goals include:

- creating a school environment where students feel safe and problems do not start;
- helping students take the lead in keeping schools safe;
- ensuring that schools have the skills to identify at-risk students and the resources to intervene when problem behavior occurs;
- equipping students and teachers with the skills they need to avoid conflict and violence; and
- helping schools and individuals connect with the community and share resources.

The federal No Child Left Behind legislation enacted in January 2002 requires states to identify “persistently dangerous” schools. A student who attends a dangerous school, as defined by each state, or is the victim of a violent crime while on school grounds must be given the option to transfer to another school in the district. SBE adopted regulations to comply with the federal law in 2003.

State Expenditures: General fund expenditures could increase by an estimated \$59,737 in fiscal 2006, which accounts for the bill’s July 1, 2005 effective date and a 90-day start-up delay. The estimate reflects the cost of hiring one education specialist at MSDE to design the standard Victim of Harassment or Intimidation Form and a database tool to collect information from the forms; establish liaisons at each of the local school systems; ensure that local school systems are complying with the requirements of the bill; monitor the data provided by local school systems; follow-up with local school systems to identify perpetrators’ motives, corrective actions taken at the local level, and forms containing false reports; analyze data; and prepare annual reports. A salary, fringe benefits, one-time start-up costs, and ongoing operating expenses are included in the estimate.

Salary and Fringe Benefits	\$54,376
Start-up and Operating Expenses	<u>5,361</u>
Total FY 2006 State Expenditures	\$59,737

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

MSDE estimates that fiscal 2006 one-time costs to develop a database for use in tracking incidents of harassment and intimidation would be approximately \$350,000 and that ongoing costs to maintain the database would be approximately \$40,000 annually. However, this estimate relies on the assumption that a secure database that could be accessed from several locations in every local school system would need to be developed.

Legislative Services advises that the information that the bill requires MSDE to include in its annual report is minimal. Hard copies of the Victim of Harassment or Intimidation Report Forms, with personal information excluded, could be sent directly to MSDE where the data required for annual reports could be entered into a relatively simple database. The database could be developed with existing resources. If a large number of forms are submitted to MSDE, a half-time data entry clerk could be hired at an annual cost of approximately \$20,000 per year. The number of report forms that may be submitted cannot be reliably estimated at this time.

Additional Information

Prior Introductions: A similar bill was introduced last year as HB 740 and was passed by the General Assembly. The Governor vetoed the bill.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2005
ncs/rhh

Analysis by: Mark W. Collins

Direct Inquiries to:
(410) 946-5510
(301) 970-5510