

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 1265

(Senator Klausmeier, *et al.*)

Budget and Taxation

Ways and Means

**Maryland Safe to Learn Act of 2018**

This bill makes comprehensive changes designed to improve the safety of the State's public schools. It enhances the presence of school resource officers (SROs) and/or local law enforcement in or near public schools and requires SROs to complete specialized training. It establishes a School Safety Subcabinet, which also serves as the governing board for the Maryland Center for School Safety (MCSS). The mandated appropriation for MCSS operations is increased from \$500,000 to at least \$2.0 million, and the bill establishes a Safe Schools Fund to make grants to local school systems to assist in implementing the bill's provisions. **The bill takes effect June 1, 2018.**

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$15.0 million in FY 2019, including \$12.5 million to capitalize the Safe Schools Fund and \$2.5 million for MCSS; those funds are already included in the FY 2019 operating budget, contingent on this bill and the Governor releasing the funds for that purpose. Special fund revenues and expenditures increase by \$12.5 million for grants to local school systems. General fund expenditures increase by \$1.5 million beginning in FY 2020 for the mandated appropriation to MCSS. **This bill increases a mandated appropriation beginning in FY 2020.**

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
SF Revenue	\$12,500,000	\$0	\$0	\$0	\$0
GF Expenditure	\$15,000,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
SF Expenditure	\$12,500,000	\$0	\$0	\$0	\$0
Net Effect	(\$15,000,000)	(\$1,500,000)	(\$1,500,000)	(\$1,500,000)	(\$1,500,000)

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

**Local Effect:** Based on assumptions discussed below, local expenditures increase by approximately \$98.5 million to provide either an SRO or adequate law enforcement coverage to every public school in the State. Expenditures also increase by approximately

\$2.5 million in FY 2019 to conduct the mandated safety evaluations but are offset, either entirely or significantly, by State grants provided for that purpose. Local school systems and law enforcement agencies can likely implement other provisions of the bill with existing resources, as discussed below. Local revenues increase by \$12.5 million from grants for school-safety related expenses, including the safety evaluations. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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## Analysis

### Bill Summary:

#### *School Resource Officers*

A school resource officer is defined as (1) a law enforcement officer assigned to a school in accordance with a memorandum of understanding between a local law enforcement agency and a local school system or (2) a Baltimore City School Police Officer, as defined in current law.

By September 1, 2018, MCSS, in consultation with local school systems, must develop a specialized curriculum to be used in training SROs that addresses specified issues. The curriculum must be submitted to the Maryland Police Training and Standards Commission (MPTSC) for approval. By March 1, 2019, MCSS must develop and submit to MPTSC for approval a model training program based on the curriculum. Each local law enforcement agency must enroll SROs either in (1) the MCSS model training program or (2) a local training program approved by MPTSC that is consistent with the approved curriculum. All SROs must complete an approved specialized training program by September 1, 2019.

MCSS must collect specified data on SROs and, by December 15, 2018, develop guidelines based on its analysis of the data to assist local school systems in (1) determining the appropriate number and assignment of SROs, including supplemental coverage by local law enforcement agencies and (2) collaborating and communicating with local law enforcement agencies. By July 1, 2019, each local school system must develop a plan in consultation with local law enforcement to implement the guidelines and submit its plan to MCSS for review and comment.

Beginning with the 2018-19 school year, and each school year thereafter, each local school system must file a report with MCSS before the school year begins that demonstrates (1) that *each* public school has an SRO assigned to the school or (2) if no SRO is assigned

to a public school, that adequate local law enforcement coverage will be provided to the school. MCSS must submit annual summaries of the SRO reports it receives to the Governor and General Assembly.

### *School Safety Subcabinet and Advisory Board*

The School Safety Subcabinet consists of the following individuals or their designees:

- the State Superintendent of Schools;
- the Secretary of Health;
- the Secretary of State Police;
- the Attorney General;
- the Secretary of the Department of Disabilities; and
- the Executive Director of the Interagency Committee on School Construction (IAC).

The State Superintendent or designee chairs the subcabinet and the Executive Director of MCSS provides staff.

The subcabinet is charged with multiple responsibilities, chief among them (1) collaborating with various stakeholders to provide a comprehensive, coordinated approach to school safety; (2) initiating collaborative partnerships and facilitating coordination among stakeholders to leverage existing resources to deliver school safety services uniformly to local school systems; (3) distributing grants from the Safe Schools Fund; and (4) adopting regulations to carry out its responsibilities. The subcabinet must submit an annual report with specified information.

The subcabinet is also given responsibility for making grants for security-related expenses to schools and child care centers at risk of hate crimes under [Chapter 732](#) of 2016; the bill authorizes the Governor to transfer \$1.0 million from the Governor's Office on Crime Control and Prevention (GOCCP) to the Maryland State Department of Education (MSDE) for this purpose.

The School Safety Subcabinet Advisory Board is established and includes a broad array of stakeholders to advise and assist the subcabinet in carrying out its duties. A member of the advisory board may not receive compensation but is entitled to reimbursement of expenses.

### *Safe Schools Fund*

The existing School Safety Enforcement Fund in GOCCP is reconstituted as the Safe Schools Fund within MSDE, and the subcabinet is designated as the entity responsible for making grants from the fund. The fund retains its dedicated revenue source, consisting of a portion of penalties paid by uninsured motorists, which is set in statute at \$600,000 in SB 1265/ Page 3

each fiscal year. The fund also includes any other money appropriated to it by the State budget and accrued interest. The fund may be used only to provide grants to local school systems to enhance school safety, as specified by the bill.

The bill authorizes the Governor to transfer to the Safe Schools Fund by budget amendment (1) \$10.0 million in funds reserved in the fiscal 2019 operating budget for school safety operating grants to local school systems and (2) \$2.5 million reserved for grants to local school systems for the safety evaluations. Any of these monies not transferred to the Safe Schools Fund in fiscal 2019 revert to the general fund.

Grants awarded to local school systems are supplemental to any State funds that would otherwise be appropriated to the local school systems.

#### *Model Policy for Assessment Teams*

By September 1, 2018, the subcabinet must develop a model policy for the establishment of one or more assessment teams in each local school system. The model policy must include specified provisions generally related to (1) the identification of, and intervention with, students or other individuals who may pose a threat to school safety; (2) the composition and appropriate number of assessment teams within local school systems; and (3) training for the assessment teams.

By September 1, 2019, each local school system must adopt a policy for the establishment of assessment teams that is consistent with the model policy. Local policies must include:

- a process for regular assessment and intervention, including diversion and de-escalation, if an individual exhibits behavior that may pose a threat to school safety;
- standards for timely response and procedures for coordination among members of the team, including referral of relevant information to appropriate authorities; and
- standards and procedures for the referral of an individual for evaluation, services, or treatment when appropriate.

#### *School Safety Evaluations and Emergency Plans*

Each local school system must designate a school safety coordinator, who must be certified by MCSS and serve as the liaison between the local school system, local law enforcement, and MCSS. By June 15, 2019, and regularly thereafter, each local school system must conduct a safety evaluation of each school to (1) identify and, if necessary, develop solutions for physical safety concerns and (2) identify and evaluate any patterns of safety concerns on school property or at school-sponsored events. In conducting the safety evaluations, each safety coordinator must consult with MCSS, coordinate with IAC, and submit a summary of the completed evaluations to MCSS.

MSDE must update the Emergency Planning Guidelines for Local School Systems by December 1, 2019, to reflect the initial findings from local safety evaluations.

By July 1, 2020, and regularly thereafter, each local school system must update the school emergency plan for each public school. The plans must conform to the MSDE guidelines regarding how the school will address behavioral threats and emergency events. In updating the plans, local school systems must work with MCSS to correct any identified weaknesses.

School safety evaluations, emergency plans, and local law enforcement coverage policies are not subject to inspection under the Maryland Public Information Act, except by designated State agencies, emergency management agencies, and local law enforcement in the performance of their official duties.

### *Mental Health Services*

By September 1, 2018, each local school system must appoint a mental health services coordinator to coordinate existing mental health services and referral procedures within the local school system. Working with specified local entities, the coordinator must (1) ensure that a student who is referred for mental health services obtains the necessary services; (2) maximize external funding for mental health and wraparound services, as defined by the bill; and (3) develop plans for delivering behavioral health and wraparound services to students who exhibit specified behaviors of concern. Grants from the Safe Schools Fund may be used to develop plans for delivering mental health and wraparound services.

The bill requires the subcabinet to review the local plans for delivering behavioral health and wraparound services (discussed above) and identify gaps in the availability of services and providers for school-age children in the State by December 1, 2018. It also requires the Commission on Innovation and Excellence in Education to include in its final report (due December 31, 2018) recommendations for additional mental health and wraparound services in local school systems and funding required for those services.

### *Safety Drills for Public Schools and Public Higher Education Institutions*

MSDE, in consultation with the subcabinet, may adopt regulations to incorporate age-appropriate components of the Active Shooter Preparedness Program developed by the federal Department of Homeland Security (DHS) or guidelines developed by the Maryland Active Assailant Work Group into the annual schedule of school safety drills. MSDE must notify the Governor and the Legislative Policy Committee of any changes to the schedule of drills in regulation. Local school systems must collaborate with local law enforcement agencies to establish policies for responding to an emergency at each public school.

Beginning with the 2018-19 academic year, and annually thereafter, each public institution of higher education must complete at least one active shooter drill.

### *Maryland Center for School Safety*

MCSS is made an independent unit *within* MSDE; the bill authorizes the Governor to transfer by budget amendment funds appropriated and 14 positions authorized in the fiscal 2019 operating budget from the Department of State Police to MSDE to complete the transfer. MCSS is based at the Maryland Coordination and Analysis Center and must establish a satellite office at Bowie State University. The mandated appropriation for MCSS's operations is increased from \$500,000 to \$2.0 million annually. The bill transfers some of the center's existing duties to the subcabinet, and adds the following duties to MCSS's charge (some of which are also described above):

- assist local school systems to identify resources and implement training for students and parents about relationship violence, identifying the signs of unhealthy relationships, and preventing relationship violence;
- analyze data on SROs and develop guidelines for local school systems regarding the assignment and training of SROs;
- certify school safety coordinators;
- consult with local school systems on safety evaluations;
- review and comment on school emergency plans; and
- report on life-threatening incidents that occur on public school grounds.

Each local school system must promptly inform MCSS of any critical, life-threatening incidents that occur on school grounds and invite the center to participate in a required after-action review of the incident. At the conclusion of the review, the local school system must file a report with MCSS, and the center must report to the Governor and General Assembly on lessons learned from the incident and any recommendations for improving school safety.

### **Current Law/Background:**

#### *School Emergency Plans and Drills*

State regulations require each local school system to develop an emergency plan for all public schools that (1) deals with contingencies of man-made, technological, and natural hazards and (2) aligns with the *Emergency Planning Guidelines for Local School Systems and Schools* developed by MSDE (and updated in 2017). A school emergency plan must address mitigation, prevention, preparation, response, and recovery to an emergency including responding to violent or traumatic events on school grounds, among other events.

By September 30 of each year, each local superintendent must (1) certify to the State Superintendent that it is in compliance with emergency planning requirements and (2) send a copy of a specified plan to the State Superintendent.

MSDE's 2017 update of its *Emergency Planning Guidelines for Local School Systems and Schools* recommends carrying out the following five types of drills at least once per year:

- **evacuation:** students and staff are led to the closest and safest way out of the building;
- **reverse evacuation:** students and staff are moved as quickly as possible back into secure buildings and roll is taken;
- **lock-down:** students are instructed to report to the nearest classroom and close and lock all doors and windows;
- **shelter-in-place:** students and staff report to assigned locations; and
- **drop, cover, and hold:** Students and staff take cover under a desk, away from windows, cover their eyes, make efforts to protect vital organs, and hold onto desk legs.

State regulations require each local school system to develop and implement an annual schedule for drills for each school that, in addition to fire drills, must include the five types of drills specified above, plus a severe weather drill.

Through its Active Shooter Preparedness Program, DHS offers a free one-hour on-line course, administered by the Federal Emergency Management Agency, that helps individuals prevent and prepare for potential active shooter situations. In 2014, the Maryland Active Assailant Incident Response Workgroup developed guidance for first responders regarding responses to active assailant incidents.

### *School Resource Officers*

A school resource officer is a law enforcement officer who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency and the local school system.

A Baltimore City school police officer is a 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. 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 before or after regular school hours on school days and on days other than school days. *A Baltimore City school police officer is not authorized to carry a weapon on school grounds during school hours.*

Based on survey data collected by the Maryland Center for School Safety, there are between 360 and 400 SROs currently assigned to Maryland public schools, or an average of one SRO for every 4 to 5 schools. Baltimore City Public Schools has the highest number, with 93 armed school police officers (plus 8 vacancies) for its approximately 173 public schools (although they are not armed during school hours). Montgomery County Public Schools, like many other school systems that responded to the survey, assigns an armed SRO only to each of its *high* schools. Funding arrangements vary by county, but in most counties the local law enforcement agencies bear the cost of providing SROs. The biggest exception is Baltimore City, in which the board of education funds the school police force.

### *School Safety Enforcement Fund*

Originally called the School Bus Safety Enforcement Fund and administered by the Department of State Police, the fund was transferred to GOCCP by Chapter 87 of 2008 but retained its original purpose of assisting local law enforcement agencies and school systems in addressing the problem of drivers failing to stop for school buses. Chapter 529 of 2016 renamed the fund as the School Safety Enforcement Fund and expanded the possible uses of grants from the fund to include safety-related improvements to public schools. The fund receives revenues of \$600,000 annually from penalties paid by uninsured drivers.

### *Maryland Center for School Safety*

Chapter 372 of 2013 established MCSS as an independent unit within State government under the direction of a governing board chaired by the State Superintendent of Schools. MCSS is currently housed at the Maryland Coordination and Analysis Center, the State's Fusion Center under the Maryland State Police, and it is budgeted through the Department of State Police. Chapter 372 mandated that the Governor include \$500,000 annually for the center's operations. The fiscal 2019 operating budget, as enacted, includes a total of \$3.0 million for the center; the funding in excess of the mandate is primarily for 13 new regular positions for the center.

### *Great Mills High School Shooting*

On March 20, 2018, a student at Great Mills High School in St. Mary's County shot two students inside the school building, killing one. The shooter was confronted by an SRO assigned to the school and then reportedly took his own life.

**State Fiscal Effect:** The bill authorizes the Governor to transfer \$15.0 million in the fiscal 2019 operating budget for MCSS and school safety grants to MSDE; the funds are contingent on enactment of this bill. If this bill is not enacted, then \$15.0 million in general



funds appropriated for MCSS and school safety grants revert to the general fund. Therefore, general fund expenditures increase by \$15.0 million in fiscal 2019. Safe Schools Fund revenues increase by \$12.5 million for fiscal 2019 for the purpose of making grants to local school systems, including \$2.5 million for school safety evaluations, contingent on the Governor transferring the funds by budget amendment for that purpose.

The Safe Schools Fund is housed within MSDE, which requires one regular position to administer the grant program beginning in fiscal 2019. The Department of Legislative Services assumes that one of the two new Administrator IV positions (at a cost of \$83,891 including salary, fringe benefits, and operating expenses) authorized in the fiscal 2019 budget for MCSS can be used by MSDE to administer the Safe Schools Fund. As a special fund, all of the grants are not required to be awarded or expended in fiscal 2019. Thus, the position may be needed to administer grants beyond fiscal 2019. If additional money is appropriated to the Safe Schools Fund in the out-years, the position can continue to be used for grant administration; otherwise, it can be reassigned to other duties within MCSS.

### **Local Fiscal Effect:**

#### *Adequate Law Enforcement Coverage of Schools*

The bill requires that *all* public schools have either an SRO assigned to them or adequate law enforcement coverage by the 2018-19 school year. The bill does not define adequate law enforcement coverage, and State and local law enforcement agencies advise that, because no clear national or State standard exists for adequate coverage, response times for priority emergencies can vary according to geography, traffic conditions, and competing demands on law enforcement.

Based on the MCSS survey results, approximately 1,000 public schools in the State do not have an assigned SRO. Moreover, local law enforcement agencies advise they all have persistent law enforcement officer vacancies and, therefore, cannot guarantee adequate coverage with existing resources.

Therefore, this analysis assumes that, in order to meet the bill's requirement for SRO assignment or adequate coverage, local school systems, in collaboration with law enforcement agencies, assign one SRO to every public high school in the State and one SRO for every two public elementary/middle/other schools. Based on this assumption, local school systems/law enforcement agencies must hire approximately 450 additional SROs. With this level of SRO coverage, it is assumed that local law enforcement can fill in any coverage gaps by assigning one SRO to two nearby schools, adjusting patrol routes, and implementing other similar measures.

Compensation, training, and equipment costs for new law enforcement officers vary by county. This analysis uses the compensation levels and training/equipment costs for new State Police officers as a proxy for the cost of hiring a new local law enforcement officer to serve as an SRO. Local costs will vary from these estimates, but should generally be comparable, according to several local law enforcement agencies consulted for this analysis. The cost of a new State Police officer is approximately \$216,150 for the first year, which includes the following expenses:

- \$101,617 for a salary and fringe benefits (not including overtime);
- \$61,675 to complete training provided by the State Police Academy;
- \$50,800 for a fully equipped police car; and
- \$2,054 for uniforms and equipment.

Costs do not include any additional supervisors or overtime expenditures that may be needed. **Exhibit 1** summarizes the estimated first- and second-year costs associated with the bill's requirement, based on the assumptions described above. Out-year costs include only the salary and fringe benefits, which are subject to annual increases. Caroline, Talbot, and Worcester counties did not respond to the MCSS survey, so information on current SROs in those counties is not available. To the extent that those counties have SROs, the cost estimates for those counties are less than those shown in the exhibit. Moreover, to the extent that local law enforcement agencies/school systems can use existing law enforcement resources to provide adequate coverage with fewer SROs, costs are less.

**Exhibit 1**  
**Estimated Local Expenditures to Provide Adequate Coverage**

<u>County</u>	<u>Current SROs</u>	<u>Estimated SROs for Adequate Coverage</u>	<u>SRO Coverage Gap</u>	<u>FY 2019 Cost</u>	<u>FY 2020 Cost</u>
Allegany	8	15	7	\$1,513,050	\$735,497
Anne Arundel	19	69	50	10,699,425	5,201,015
Baltimore	65	99	34	7,241,025	3,519,879
Baltimore City	101	96	0	0	0
Calvert	5	15	10	2,161,500	1,050,710
Caroline	NA	7	7	1,404,975	682,962
Carroll	0	26	26	5,619,900	2,731,846
Cecil	8	18	10	2,053,425	998,175
Charles	14	23	9	1,837,275	893,104
Dorchester	2	8	6	1,296,900	630,426
Frederick	19	39	20	4,323,000	2,101,420
Garrett	3	7	4	864,600	420,284
Harford	16	32	16	3,458,400	1,681,136
Howard	16	44	28	6,052,200	2,941,988
Kent	1	3	2	432,300	210,142
Montgomery	28	117	89	19,129,275	9,298,784
Prince George's	30	117	87	18,696,975	9,088,642
Queen Anne's	3	8	5	1,080,750	525,355
St. Mary's	5	17	12	2,485,725	1,208,317
Somerset	2	5	3	648,450	315,213
Talbot	NA	5	5	972,675	472,820
Washington	10	27	17	3,566,475	1,733,672
Wicomico	9	14	5	972,675	472,820
Worcester	NA	9	9	1,945,350	945,639
<b>Total</b>	<b>364</b>	<b>815</b>	<b>451</b>	<b>\$98,456,325</b>	<b>\$47,859,841</b>

NA: Information not available  
SRO: School Resource Officer

Sources: Maryland Center on School Safety; Department of State Police; Department of Legislative Services

Local and State law enforcement agencies advise that it takes between 12 and 18 months before a new law enforcement recruit is available for service, after accounting for time to

conduct testing, background checks, and training. Therefore, it is *highly unlikely* that local governments can meet the bill's requirement by the beginning of the 2018-19 school year. Moreover, given that many law enforcement agencies struggle to fill current vacancies, some may not be able to fill all necessary positions even if they are given sufficient time to do so.

### *Safety Evaluations*

The bill requires local school systems to conduct comprehensive safety evaluations of their facilities. The average cost of these assessments is estimated to be \$100,000 per system, but costs will be substantially higher in large districts and less in smaller districts. The fiscal 2019 operating budget, as enacted, restricts \$2.5 million for grants to local school systems for the evaluations, and the bill transfers those funds to the Safe Schools Fund for those grants. It is assumed that the grants cover the bulk of the costs associated with the evaluations, but some larger school systems may incur costs not covered by the grants.

### *Other Requirements*

The bill includes additional requirements for local school systems, including (1) the designation of a school safety coordinator and a mental health services coordinator; (2) the development of various plans for SRO coverage, emergency responses, and mental health services; and (3) various reporting and data collection requirements related to the bill's provisions. In these cases, local school systems are either already carrying out these responsibilities or can do so with existing resources. For instance, most local school systems already have individuals designated as a school safety coordinator and a mental health coordinator, and they are already required by regulation to develop emergency response plans and hold safety drills of various kinds.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County; Maryland Association of Counties; Public School Construction Program; Department of Budget and Management; U.S. Department of Homeland Security; Maryland Chiefs of Police Association; Maryland State Department of Education; Maryland Center for School Safety; Department of Legislative Services

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Analysis by: Michael C. Rubenstein

Direct Inquiries to:

(410) 946-5510

(301) 970-5510