

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1816 (The Speaker)(By Request - Administration)
 Ways and Means and Appropriations

Safe Schools Act of 2018

This emergency Administration bill requires each local school system to develop a school emergency plan, subject to the approval of the State Board of Education, and to complete safety assessments of every public school annually. It also establishes a Safe Schools Fund to provide grants to local school systems to implement their emergency plans and other safety improvements. The bill increases the mandated appropriation for the Maryland Center for School Safety (MCSS) and includes other provisions related to school safety.

Fiscal Summary

State Effect: General fund expenditures increase by \$10.0 million annually beginning in FY 2019 for the Safe Schools Fund; special fund revenues and expenditures increase accordingly. General fund expenditures further increase by \$2.5 million beginning in FY 2019 due to the mandated appropriation for MCSS, as discussed below. The Governor’s proposed fiscal 2019 budget includes the additional \$2.5 million for MCSS and \$2.5 million to assist school systems with mandated safety assessments under the bill. **This bill increases a mandated appropriation beginning in FY 2020.**

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
SF Revenue	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
GF Expenditure	\$12,500,000	\$12,500,000	\$12,500,000	\$12,500,000	\$12,500,000
SF Expenditure	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
Net Effect	(\$12,500,000)	(\$12,500,000)	(\$12,500,000)	(\$12,500,000)	(\$12,500,000)

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

Local Effect: Local expenditures likely increase for annual safety assessments of each public school and certification and training of school resource officers (SROs) and security administrators, but a reliable estimate is not possible. Expenditures may further increase for school safety-related personnel required by the bill, but it is assumed that most local

school systems either are already in compliance or can comply with existing resources. Local revenues increase by \$10.0 million annually from Safe Schools Fund grants and by \$2.5 million in FY 2019 for mandated school safety assessments, which will offset at least a portion of increased expenditures due to the bill. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary:

School Emergency Plans and Safe Schools Fund

Each local school system must prepare a school emergency plan, as defined by the bill, that includes detailed plans for addressing behavioral threats and emergency events. Each plan must be submitted to MCSS for review, which then must forward each plan with its recommendations to the State Board of Education. The State board must either approve, reject, or propose amendments to each plan. Each county board must complete safety assessments of every public school annually.

By August 1 of each year, each local school system must report to MCSS on specified information related to school safety incidents and implementation of their plan.

A custodian of documents must deny inspection of all records related to school emergency plans and safety assessments under the Public Information Act (PIA). However, a custodian must allow inspection of those documents by the Department of State Police, the Department of Public Safety and Correctional Services, and local law enforcement agencies in the performance of official duties.

The Safe Schools Fund may be used only to provide grants to local school systems for the implementation of approved emergency safety plans and other safety improvements recommended by MCSS. Grants from the fund are supplemental to and not intended to take the place of funding that otherwise would be appropriated to local school systems.

School Safety Personnel

Each local school system must have at least one threat assessment team, with specified membership. The State Board of Education, with MCSS, must develop regulations related to the training of threat assessment teams. A team must:

- provide guidance to students, faculty, and staff on recognizing threatening or aberrant behavior that may present a threat;
- identify members of the school community to whom threatening behavior should be reported; and
- implement policies adopted by the local school board.

On preliminary determination that a student poses a threat, the team must immediately report its determination to the local superintendent and to local law enforcement agencies.

Each local school system must employ a designated security administrator who is certified by MCSS. The State Board of Education, with MCSS, must adopt regulations related to the training and certification of designated security administrators and other school safety personnel. MCSS must develop a curriculum and training program for use by the Maryland Police Training and Standards Commission (MPTSC) for certification and training of SROs.

SROs must be certified by MPTSC.

Maryland Center for School Safety

The existing mandated appropriation for MCSS increases from \$500,000 to \$3.0 million beginning in fiscal 2020. The bill expands the membership of the center's governing board, repeals a requirement that it be located at Bowie State University, repeals specified allocations of grant funding received by the center, and makes additional conforming changes in statute related to the center.

Current Law/Background:

School Safety Plans

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 the Maryland State Department of Education (MSDE). 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 Emergency Planning Guidelines for Local School Systems and Schools was updated in October 2017.

School Resource Officers

An SRO 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. Although some local school systems indicate that they provide additional training to SROs to reflect the unique circumstances of being assigned to a school, such training is not required. Based on data provided by the Maryland Association of School Resource Officers and MSCC, the Department of Legislative Services estimates that there are between 300 and 400 SROs throughout the State, not including supervisors.

MPTSC trains and certifies police officers and also approves and certifies police training academies that meet the commission's minimum standards for police officer training.

Maryland Center on School Safety and the Safe Schools Fund

Chapter 372 of 2013 established MCSS as an independent unit within State government with a mandated appropriation of \$500,000. The center is currently housed at the Maryland Coordination and Analysis Center, the State's Fusion Center under the Maryland State Police. The Governor's proposed fiscal 2019 budget (supplemental budget number 1) includes an additional \$2.5 million in general funds for 13 new positions to monitor school safety in the State. The budget also includes \$2.5 million for grants to local school systems for school safety assessments, which are mandated by the bill.

Senate Bill 1258 and House Bill 1815, as introduced, allocates \$50 million in Education Trust Fund revenues to the Safe Schools Fund annually beginning in fiscal 2020.

Public Information Act

PIA establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative who a member of the public may contact to request a public record. A custodian of a public record must designate types of public records that are to be made available to any applicant immediately on request and must maintain a current list of the types of public records that have been so designated.

Generally, a custodian of a public record must permit inspection of the record at a reasonable time and within 10 working days of receiving a request. However, a custodian must deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record. PIA also requires denial of inspection for personal and confidential records, including, for example, hospital and medical records, financial records, certain police and related criminal records, and licensing records.

State Fiscal Effect: General fund expenditures increase by \$2.5 million beginning in fiscal 2019 for MCSS. Although the mandated appropriation does not take effect until fiscal 2020, this analysis assumes that expenditures increase in fiscal 2019, since the Governor's proposed fiscal 2019 State budget includes the additional funding. The additional funding and staff for the center should be sufficient to carry out the bill's requirements. MSDE can administer the grant program with existing budgeted resources.

The Governor's proposed budget for fiscal 2019 also includes \$2.5 million for grants to local school systems to conduct mandated safety assessments of schools. The safety assessments are mandated by this bill and will inform the development of school safety plans that are also required by the bill. Grants from the Safe Schools Fund are to *implement* those plans, and it is anticipated that implementing the plans will cost considerably more than developing them because implementation likely requires security upgrades to school buildings. Thus, it is assumed that general fund expenditures increase by \$10.0 million annually beginning in fiscal 2019 for the Safe Schools Fund. Special fund revenues and expenditures each increase accordingly. Actual costs for the fund may be higher particularly in the next few years as school safety plans are developed and implemented, as much as \$50 million as proposed by the Governor in Senate Bill 1258/House Bill 1815, and costs may be lower in the out-years as school safety improvements are completed.

Local Fiscal Effect: Local school systems receive an estimated \$10.0 million annually beginning in fiscal 2019 from the Safe Schools Fund to make safety-related improvements to their schools, as well as \$2.5 million in fiscal 2019 to assist in completing the required school safety assessments. The State grants will offset at least partially local school system expenditures to conduct safety assessments of every public school annually and to implement their school safety plans.

Expenditures may also increase to pay for certification and training of security administrators and for SROs in local school systems that have them. A reliable estimate is not feasible because the standards for training and certification have not yet been developed. All armed law enforcement officers in the State are required to complete MPTSC training and certification (including Baltimore City Public Schools police

officers), so it is assumed that all armed SROs have already been certified and that the additional cost of training tailored to SROs represents the marginal cost of the bill.

Expenditures may increase further to the extent that local school systems do not already have security administrators and threat assessment teams. However, since all school systems are required to have emergency management plans that, based on State guidelines, should include a crisis management team and a threat response plan, it is assumed that most, if not all, school systems and schools already comply with these requirements or can come into compliance with existing resources.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 1257 (The President, By Request – Administration - Education, Health, and Environmental Affairs and Budget and Taxation) is not identical.

Information Source(s): Maryland State Department of Education; Interagency Committee on School Construction; Board of Public Works; Department of Budget and Management; Montgomery County; Maryland Association of School Resource Officers; Maryland Center on School Safety; Department of Legislative Services

Fiscal Note History: First Reader - March 15, 2018
md/rhh

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Safe Schools Act of 2018**

BILL NUMBER: SB1257/HB1816

PREPARED BY: Governor's Legislative Office

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS