

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1247 (Delegates Cox and Krebs)
Judiciary and Ways and Means

No Fear in Education Act – Student Protection in School
(Meadow Pollack’s Law)

This bill *requires* every public and nonpublic school in the State to have either two trained individuals who have a handgun permit and carry a handgun or two trained and armed school resources officers (SROs). The bill also requires all public and nonpublic schools to have specified safety features and requires the Interagency Commission on School Construction (IAC) to provide grants to ensure that they have those features. The bill requires that school drills include specific elements and repeals existing provisions regarding the presence of SROs or adequate law enforcement coverage in public schools. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: General fund expenditures increase significantly, likely by at least \$1.0 billion spread over several years, beginning in FY 2020 for safety improvements to public and nonpublic schools. General fund expenditures increase further to train armed personnel in public and private schools and to administer school safety grants. No effect on revenues.

Local Effect: Local revenues and expenditures increase significantly, likely by more than \$500.0 million annually beginning in FY 2020 for armed school personnel and for safety improvements to public schools. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Each armed individual or SRO at a public or nonpublic school must have undergone training required of SROs under current law. Each public and nonpublic school must report annually to the Maryland Center for School Safety (MCSS) on its progress in meeting the requirement to have an armed presence at the school. Each armed individual or SRO is liable for damages in a civil action, including punitive damages and attorney's fees, if they do not take specified actions in response to the presence of a potentially violent person in the school. If an employee of a local school board or local law enforcement agency is found to have failed to respond by a preponderance of evidence, that individual must be removed and is entitled to the administrative review provided under current law. The bill repeals existing requirements that every local school system submit a report identifying the schools that have an SRO or, if a school does not have an SRO, what adequate law enforcement coverage is provided to the school.

Each public and nonpublic school must have a single-point-of-entry system that meets specified criteria. They must also have bullet-resistant glass in all classroom windows, and each classroom must have a bullet-resistant window facing the inner hallway. In addition to other grants made under the School Safety Grant Program, IAC must provide grants to public and nonpublic schools to ensure that they have a single-point-of-entry system and requisite bullet-resistant glass.

The bill requires, instead of authorizes, the Maryland State Department of Education (MSDE) to adopt regulations that incorporate specified active shooter guidelines into the annual schedule of drills. Also, drills incorporated into the annual schedule must include specified features in current law in addition to age-appropriate procedures in responding to a bomb threat and mental health counseling.

Current Law: Chapter 30 of 2018, the Maryland Safe to Learn Act, made comprehensive changes designed to improve the safety of the State's public schools. It did not address nonpublic schools. Except as otherwise mentioned, the following provisions of current law were enacted under Chapter 30.

School Resource Officers and Law Enforcement Coverage

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 March 1, 2019, MCSS must develop and submit to Maryland Police Training and Standards Commission (MPTSC) for approval a model training program based on a

curriculum developed by MCSS. Each local law enforcement agency must enroll SROs and other school security employees 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 and school security employees must complete an approved specialized training program by September 1, 2019.

Beginning with the 2019-2020 school year, each local school system must annually file a report with MCSS that identifies (1) the public schools that have an SRO assigned and (2) if no SRO is assigned to a public school, the adequate local law enforcement coverage that will be provided to the school. This same requirement applied only to public high schools in the 2018-2019 school year. MCSS must submit annual summaries of the SRO/law enforcement coverage reports it receives to the Governor and General Assembly. MCSS must also collect and report annually data on specified incidents of use of force involving SROs or school security employees.

Beginning in fiscal 2020 and each year thereafter, the Governor must include \$10.0 million for the Safe Schools Fund to provide grants to local school systems and law enforcement agencies to meet the SRO/law enforcement coverage requirements. Grants must be made based on the proportion of public schools in each jurisdiction. The Governor's fiscal 2020 budget includes the required funding.

Safety Drills for Public Schools

MSDE, in consultation with the School Safety Subcabinet, may adopt regulations to incorporate developmentally and age-appropriate components of the Active Shooter Preparedness Program developed by the federal Department of Homeland Security 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.

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.

School Safety Grant Program

Chapter 14 of 2018 created the School Safety Grant program to provide grants to local school systems for security improvements, including:

- secure and lockable doors for every classroom;
- an area of safe refuge in every classroom; and
- surveillance and other security technology for school monitoring purposes.

IAC administers the program in consultation with the Maryland Center for School Safety. The Governor is required to include \$10.0 million in the annual operating or capital budget that may be used only to make grant awards. Program funding is supplemental to and not instead of funding that would otherwise be appropriated for public school construction projects. The Governor's fiscal 2020 capital budget includes \$10.0 million in PAYGO general funds for the program.

Background: Meadow Pollack was a student at Marjory Stoneman Douglas High School in Florida and was 1 of 17 people killed during the mass shooting at the school on February 14, 2018.

According to the Education Commission of the States report [*State Policy Responses to School Violence*](#), as of August 2018, 28 states (including Maryland) have policies that allow security personnel to carry firearms in schools. In addition, some states (but not Maryland) allow other individuals to carry firearms in public schools:

- 8 states allow other school employees to carry firearms (although some require that permission be granted by the school or district authority);
- 10 states allow concealed carry permit holders to carry firearms on school grounds (but they may also require permission from the school or district); and
- 21 states allow schools or districts to give individuals permission to carry firearms.

State Expenditures:

Building Security Features

Most newly constructed public schools are built with a single-point-of-entry design, which typically requires a security vestibule. However, it is not known how many existing public and nonpublic schools need to upgrade their facilities to conform to this requirement in the bill. IAC advises that construction of a new security vestibule can cost as much as \$1.1 million, with an average cost of \$285,000 per school. With approximately 2,800 public and nonpublic schools in the State, and assuming at least half require some renovation to create a single point of entry, costs total approximately \$400.0 million. IAC advises that, with its statutory discretion to administer the School Safety Grant program, it is requiring a local match for grants awarded. The State share of school construction costs varies by county from a minimum of 50% to 96%. Thus, the State share for schools to have a single-point-of-entry is at least \$200.0 million assuming at least a 50% match for nonpublic schools.

It is also unknown how many existing public and nonpublic schools have bullet-resistant glass on their classroom windows and doors. Based on recent grant applications, IAC estimates the cost of installing bullet-resistant glass in one classroom to be \$25,000. Assuming very few schools have bullet-resistant glass, and an average of 20 classrooms per school, the total cost of installing windows may be as much as \$1.4 billion. Thus, the State share for bullet-resistant glass in every classroom is at least \$700.0 million, depending on the jurisdiction and assuming at least a 50% match for nonpublic schools.

Given the expanded size and scope of the School Safety Grant program, IAC requires an additional position to administer the supplemental grants under the School Safety Grant program. As it is assumed that it will take at least five years for all schools to install the required safety features, this analysis assumes a regular rather than contractual position. Thus, general fund expenditures increase by \$60,723 in fiscal 2020, which accounts for a 90-day start-up delay from the bill's July 1, 2019 effective date. This estimate reflects the cost of hiring one administrator to manage the expansion of the School Safety Grant program. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salaries and Fringe Benefits	\$55,364
Operating Expenses	<u>5,359</u>
Total FY 2020 State Expenditures	\$60,723

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses.

Training for SROs and Armed Personnel

The bill more than doubles the number of school security personnel (SROs or armed individuals) who must complete the training program developed by MCSS under current law. If MCSS provides the training for all of the additional individuals, general fund expenditures increase by approximately \$400,000 annually beginning in fiscal 2020, which accounts for frequent turnover in the number of people needing training. Actual increases are likely less to the extent that some individuals complete local training programs as allowed under current law.

Local Revenues: Local revenues increase by the amount of State grants provided to equip schools with single-point-of-entry systems and bullet-resistant windows.

Local Expenditures: A survey of local school systems conducted by MCSS in February 2018 determined that local school systems had between 360 and 400 SROs. Based on information provided by the Department of State Police, the Department of Legislative Services estimated the cost of hiring a new SRO to be 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.

Ongoing costs are just for salary and fringe benefits. Thus, based on there being approximately 1,400 public schools in the State, local school systems must hire an additional 2,400 SROs (accounting for the 400 existing SROs) at an approximate cost of \$519.0 million in the first year and roughly half that much in the out-years. Alternatively, to the extent that existing school staff either have or can qualify for a handgun permit, local school systems can arrange for them to complete the necessary training so they do not have to hire as many SROs. Thus, a reliable estimate of the actual cost of complying with the bill is not feasible because it is not known how many schools will hire SROs instead of using existing staff.

Local expenditures increase to cover the local matching requirement needed to comply with the bill's requirement that every school have a single-point-of-entry system and bullet-resistant windows. Local matching requirements vary by county.

Local school systems can implement additional school safety drills with existing resources.

Additional Comments: Expenditures for nonpublic schools increase significantly, similar to the costs for local school systems discussed above, for single-point-of-entry systems and bullet-resistant windows and to provide armed security personnel in their buildings.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Public School Construction Program; Baltimore City Public Schools; Anne Arundel County Public Schools; Department of Legislative Services

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