

Department of Legislative Services

Maryland General Assembly

2019 Session

FISCAL AND POLICY NOTE

Third Reader - Revised

Senate Bill 165

(The President, *et al.*) (By Request - Administration)

Education, Health, and Environmental Affairs

Ways and Means

Safe Schools Maryland Act of 2019

This Administration bill establishes the Safe Schools Maryland program within the Maryland Center for School Safety (MCSS) to establish procedures for anonymous reporting of behaviors of concern and other dangerous, violent, or unlawful activities, or the threat of these activities, involving one or more students. Participation in the program is voluntary for local school systems, public schools, and nonpublic schools. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: General fund expenditures increase annually by up to \$300,000 beginning as soon as FY 2020 to maintain the program, as discussed below. No effect on revenues.

Local Effect: None.

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. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: By September 1, 2019, the School Safety Subcabinet must develop guidance for the implementation of the program in local school systems, public schools, and nonpublic schools. By July 15 of each year, beginning in 2020, the subcabinet must report to the Governor and General Assembly on specified indicators of the program's

implementation. The subcabinet is also authorized to adopt regulations to administer the program.

Under the program, MCSS must:

- train personnel in local school systems, public schools, nonpublic schools, and other specified entities on the program and appropriate responses to information provided to the program;
- provide program awareness and educational materials for local school systems and participating schools to distribute to student, parent, and community groups;
- develop training curriculum and teaching materials for a train-the-trainer program; and
- conduct training in all geographic regions of the State.

Any document sent to – or information reported to – MCSS, a local school system, a public school, or a nonpublic school under the program is confidential and not subject to disclosure under the Maryland Public Information Act or, subject to specified exemptions, a subpoena. However, if there are reasonable grounds to believe that an individual is a danger to themselves, to another individual, or to public safety, any of those entities may provide a document or information to (1) a federal, State, or local law enforcement agency; (2) the Maryland Emergency Management Agency (MEMA) or local emergency management organizations; and (3) a health care professional to provide treatment to the individual. A person who willfully discloses a document or information in violation of the bill is guilty of a misdemeanor and subject to imprisonment for up to 90 days, a fine of up to \$500, or both. A person who acts with reasonable care and in accordance with applicable regulations, procedures, and program guidance is not subject to criminal prosecution or civil liability for good faith actions relating to report or receipt of documents or information under the program.

Current Law:

School Safety Subcabinet

Chapter 30 of 2018, the Maryland Safe to Learn Act, established the School Safety Subcabinet, which consists of the following individuals or their designees:

- the State Superintendent of Schools (who chairs the subcabinet);
- 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 Commission on School Construction.

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.

MCSS

Chapter 30 made MCSS, which was first established in 2013, an independent unit within the Maryland State Department of Education and designated the subcabinet as its governing board. It also increased the mandated appropriation for MCSS's operations from \$500,000 to \$2.0 million annually, and transferred 14 new positions to MCSS. Under Chapter 30, MCSS must, among other responsibilities:

- 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 School Resource Officers (SROs) and develop guidelines for local school systems regarding the assignment and training of SROs;
- provide staff to the subcabinet;
- 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.

Background: In October 2018, aided by a \$200,000 federal grant that covered some start-up costs, MCSS launched a Safe Schools Maryland Tip Line (833-MD-B-SAFE) and corresponding SafeSchoolsMD smart phone app. The phone number and app are available to the public to anonymously report potential threats, including mental health crises,

bullying, school and community violence, abuse, harassment, and other related activities. In its first few months of operation, it received 177 tips.

At least seven states have launched similar anonymous tip lines, led by Colorado in 2004 following the Columbine school shooting. In its first year, Colorado's Safe2Tell line recorded 102 tips, but in school year 2017-2018, it recorded 16,000 tips, with suicide threats being the most frequent. Tips have led to apprehension of students with guns in schools, suicide preventions, and arrests of students making threats against schools. Oregon launched its tip line in January 2017 and received 174 tips in its first six months. However, during the 2017-2018 school year, it received 1,410 tips, with bullying/harassment being the most common issue reported.

State Expenditures: MCSS operates the tip line using an interagency agreement with MEMA, which provides 24/7 coverage for the tip line and app. Under the agreement, payments from MCSS to MEMA are up to \$300,000 annually through fiscal 2021, dependent on budgeted allocations in future years, with an option to extend the agreement by no more than five years. MCSS advises that it funded the MEMA agreement with salary savings in fiscal 2019 as it staffed up to 14 funded positions following the enactment of Chapter 30, but requires additional ongoing resources to maintain the agreement. Therefore, general fund expenditures increase by \$300,000 beginning in fiscal 2020, to cover the annual payment to MEMA to administer the tip line.

However, the Department of Legislative Services (DLS) notes that MEMA's budget does not reflect the additional funding from MCSS in fiscal 2019 or 2020. Given that the tip line has been staffed by MEMA since October, it may be possible for MEMA to absorb some or all of the costs with existing budgeted resources, particularly if the volume of tips remains relatively low. Based on other states' experience, tips may increase significantly over time and require additional resources to support the 24/7 operation in future years.

MCSS also requested a safety analyst to handle reporting requirements, staff training, outreach, and expanded components of the new system. However, DLS believes that the additional funding and staffing provided by Chapter 30 are sufficient to carry out those tasks. MCSS is a relatively new agency that has not filled all of the new positions created by Chapter 30, and the tip line has become one of its core functions. Therefore, DLS believes that it can provide staff support to the tip line with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: HB 148 (The Speaker, *et al.*) (By Request - Administration) - Ways and Means.

Information Source(s): Wicomico County; City of College Park; Governor's Office; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of Public Safety and Correctional Services; Department of State Police; Montgomery County Public Schools; Prince George's County Public Schools; Colorado Attorney General's Office; Oregon State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2019
mm/rhh Third Reader - March 20, 2019
Revised - Amendment(s) - March 20, 2019
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: The Safe Schools Maryland Act of 2019

BILL NUMBER: SB 165/HB 148

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