F1, J1 1lr1433

By: Delegate Wilkins

Introduced and read first time: January 15, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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Primary and Secondary Education – Mental Health Services – Expansion (Counselors Not Cops Act)

FOR the purpose of altering the membership of the School Safety Subcabinet Advisory Board; requiring the President of the Senate and the Speaker of the House jointly to appoint a chair of the Advisory Board; providing that a member appointed by the Governor or jointly by the President of the Senate and Speaker of the House serves at the pleasure of the appointing official; requiring the Maryland Center for School Safety to collect certain data regarding school security employees in each local school system; altering the fiscal years for which the Governor is required to include in the annual budget bill a certain appropriation to the Safe Schools Fund to be used for the purpose of providing grants to local school systems and local law enforcement agencies to assist in meeting certain reporting requirements related to school resource officers; requiring the Governor, beginning in a certain fiscal year, to include in the annual budget bill a certain appropriation to the Safe Schools Fund to be used for certain purposes related to expanding the availability of school-based mental health services, restorative approaches, wraparound services, and trauma-informed schools; requiring a local school system, to the extent practicable, to use certain grants to contract with certain professionals who reflect the diversity of the student population of the local school system; requiring the grants to be distributed to each local school system based on a certain calculation; authorizing the Subcabinet to deny a local school system a certain grant if the local school system previously used grant funds for purposes outside of the purposes of the grant; requiring the Subcabinet to adopt regulations establishing a process to withhold or reinstate certain grants; requiring each local school system that receives a certain grant to provide the Maryland Center for School Safety with evidence of how external funding will be maximized to provide students with behavioral health and wraparound services; requiring each local school system, on or before a certain date each year, to submit a report with the Maryland Center for School Safety that includes certain information; expanding the uses of the Safe Schools Fund; requiring the State Board of Education to adopt regulations to carry out this Act; making

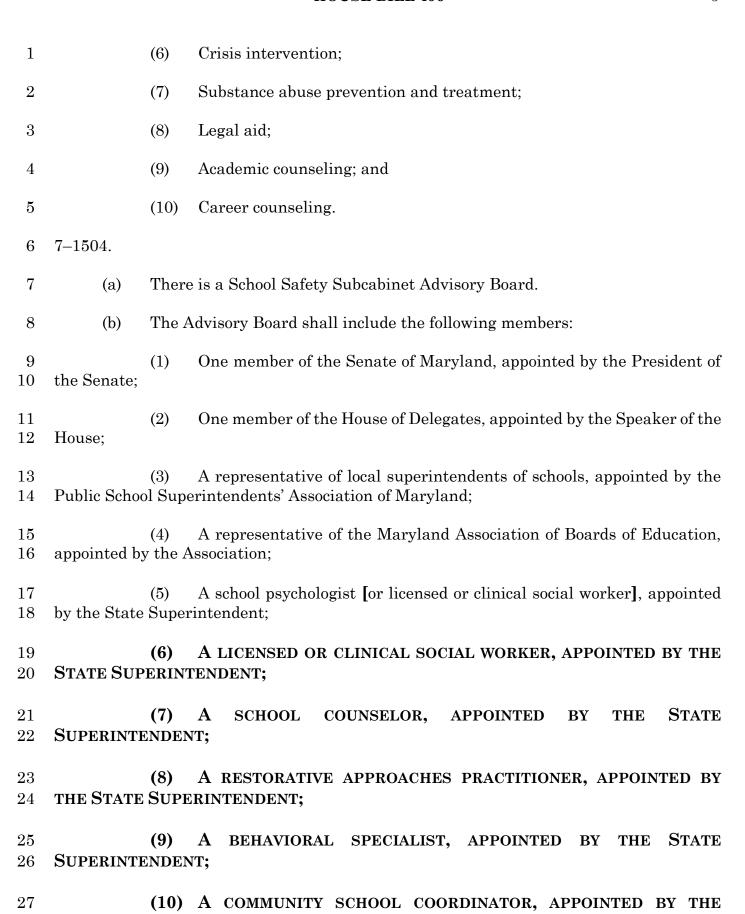


1 2 3	conforming changes; defining certain terms; altering certain definitions; and generally relating to mental health services and school safety in public schools in the State.			
4 5 6 7 8	BY repealing and reenacting, with amendments, Article – Education Section 7–1501, 7–1504, 7–1508(c) and (g), and 7–1512(e) through (g) Annotated Code of Maryland (2018 Replacement Volume and 2020 Supplement)			
9 10 11 12 13	BY repealing and reenacting, without amendments, Article – Education Section 7–1508(e)(2) and 7–1512(a) Annotated Code of Maryland (2018 Replacement Volume and 2020 Supplement)			
14 15 16 17 18	BY adding to Article – Education Section 7–1511.1 Annotated Code of Maryland (2018 Replacement Volume and 2020 Supplement)			
19 20	,			
21			Article – Education	
22	7–1501.			
23	(a)	In this sub	title the following words have the meanings indicated.	
24	(b)	"Advisory	Board" means the School Safety Subcabinet Advisory Board.	
25 26	(c) student ma	` '	naviors of concern" means behaviors or threats that indicate a of self-harm or harm to others.	
27		(2) "Beł	naviors of concern" includes:	
28		(i)	Expressions of hopelessness;	
29		(ii)	Known drug use;	
30		(iii)	Suicidal gestures or statements; and	
31		(iv)	Known gang activity.	
32	(d)	"Center" m	leans the Maryland Center for School Safety.	

1	(E)	"COMMUNITY SCHOOL" HAS THE MEANING STATED IN § 9.9–101 OF THIS
2	ARTICLE.	

- 3 **[(e)] (F)** "Drill" means a formalized exercise by which school system personnel, staff, or students rehearse a school emergency plan.
- 5 [(f)] (G) "Fund" means the Safe Schools Fund.
- 6 [(g)] **(H)** "Local law enforcement agency" means:
- 7 (1) A police department of a county or municipal corporation in the State; 8 or
- 9 (2) A sheriff's office that provides a law enforcement function in a county 10 or municipal corporation in the State.
- 11 (I) "RESTORATIVE APPROACHES" HAS THE MEANING STATED IN § 7–306 OF 12 THIS TITLE.
- [(h)] (J) "Safety evaluation" means a written assessment of the safety conditions in each public school, including ingress, egress, and access to areas of refuge for all students.
- 16 (K) "SCHOOL COUNSELOR" MEANS AN INDIVIDUAL WHO HAS BEEN 17 CERTIFIED AS A SCHOOL COUNSELOR IN ACCORDANCE WITH REGULATIONS 18 ADOPTED BY THE STATE BOARD.
- [(i)] (L) "School emergency plan" means a plan for each local school system and each public school within the school system that addresses mitigation of, preparedness for, response to, and recovery from emergencies, including:
- 22 (1) Violent or traumatic events on school grounds during regular school 23 hours or during school–sponsored activities; and
- 24 (2) Events in the community that affect school operations.
- [(j)] (M) "SCHOOL PSYCHOLOGIST" MEANS AN INDIVIDUAL WHO IS CERTIFIED TO PROVIDE PSYCHOLOGICAL SERVICES TO CHILDREN IN A PUBLIC OR STATE-APPROVED NONPUBLIC SCHOOL SETTING, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD.
- 29 (N) "School resource officer" means:
- 30 (1) A law enforcement officer as defined under § 3–101(e) of the Public

1 2 3	understanding bet	o has been assigned to a school in accordance with a memorandum of tween the chief of a law enforcement agency as defined under § 3–101(b) by Article and the local education agency; or
4 5	(2) article.	A Baltimore City school police officer, as defined in § 4–318 of this
6 7	[(k)] (O) regulations adopte	"School security employee" means an individual, as defined in ed by the Subcabinet, who:
8	(1)	Is not a school resource officer; [and]
9 10	(2) security–related se	Is employed by a local school system to provide safety and ervices at a public school;
11	(3)	DOES NOT CARRY A FIREARM; AND
12	(4)	DOES NOT HAVE THE AUTHORITY TO ARREST STUDENTS.
13 14	` '	IOOL SOCIAL WORKER" MEANS AN INDIVIDUAL WHO IS LICENSED BY STATE BOARD OF SOCIAL WORK EXAMINERS AS A:
15	(1)	MASTERS SOCIAL WORKER OR BACHELORS SOCIAL WORKER;
16	(2)	CERTIFIED SOCIAL WORKER; OR
17	(3)	CERTIFIED CLINICAL SOCIAL WORKER.
18	[(l)] (Q)	"Subcabinet" means the School Safety Subcabinet.
19 20	(R) "TRA	AUMA-INFORMED SCHOOL" HAS THE MEANING STATED IN § 7-427.1
21 22	[(m)] (S) families as approp	"Wraparound services" means services provided to students, and their riate, including:
23	(1)	Mentoring;
24	(2)	Tutoring;
25	(3)	Child care services;
26	(4)	Housing referrals;
27	(5)	Transportation;



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STATE SUPERINTENDENT:

1	(11) ONE REPRESENTATIVE FROM A TRAUMA-INFORMED SCHOOL, OR
2	A SCHOOL WITH STRONG IMPLEMENTATION OF TRAUMA-INFORMED PRACTICES,
3	APPOINTED BY THE STATE SUPERINTENDENT;

- 4 [(6)] (12) A special education administrator, appointed by the State 5 Superintendent;
- 6 [(7)] (13) A classroom teacher, appointed jointly by the Maryland State 7 Education Association and the Baltimore Teachers Union;
- 8 [(8)] (14) A school principal, appointed by the State Superintendent;
- 9 [(9)] (15) One representative of the Department of Human Services, 10 appointed by the Secretary of Human Services;
- [(10)] (16) One representative of the Department of Juvenile Services, appointed by the Secretary of Juvenile Services;
- [(11)] (17) A school resource officer, appointed by the Maryland Association of School Resource Officers;
- 15 [(12)] (18) A sheriff, appointed by the Maryland Sheriffs' Association;
- 16 **[**(13)**] (19)** A chief of police, appointed by the Maryland Chiefs of Police 17 Association, Inc.;
- [(14)] (20) An emergency medical, fire, or rescue services professional, appointed by the Maryland Institute for Emergency Medical Services Systems;
- [(15)] (21) The Director of the Maryland Coordination and Analysis Center, or the Director's designee;
- [(16)] (22) One representative of the Maryland Assembly on School–Based Health Care, appointed by the Assembly;
- [(17)] (23) One representative of the Maryland Association of Student Councils, appointed by the Association;
- [(18)] (24) One representative of the Center for School Mental Health at the University of Maryland, Baltimore Campus, appointed by the Center for School Mental Health:
- [(19)] (25) One representative of Disability Rights Maryland, appointed by Disability Rights Maryland; [and]

1 2	APPOINTEI	` ,			ESENTATIVE FROM A COMMUNITY MEDIATION GROUP, MEDIATION MARYLAND; AND
3 4	Governor:	[(20)]	(27)	The f	following [five] SIX members of the public, appointed by the
5			(i)	A par	rent of a public school student in the State;
6 7	State;		(ii)	A par	cent of a child with disabilities who attends a school in the
8 9	EXPERIENC	CED SO	(III) CHOOL		UBLIC SCHOOL STUDENT IN THE STATE WHO HAS ED ARREST, OR THE STUDENT'S PARENT;
10			[(iii)]	(IV)	A representative of a nonpublic school in the State;
11			[(iv)]	(v)	A representative of school bus drivers; and
12			[(v)] ((VI)	A representative of a nonpublic special education school.
13 14	(c) House Joi	_		-	RESIDENT OF THE SENATE AND THE SPEAKER OF THE a chair of the Advisory Board from among its members.
15 16	(d) AND THE S				ted by the Governor OR THE PRESIDENT OF THE SENATE IOUSE :
17 18	WHO APPOI	(1) [NTED			he pleasure of the [Governor] OFFICIAL OR OFFICIALS ER;
19 20	qualifies; an		Serve	s for a	a term of 3 years and until a successor is appointed and
21 22	terms.	(3)	May	be rea	appointed but may not serve more than two consecutive
23	(e)	A me	mber o	f the A	Advisory Board:
24		(1)	May r	not rec	eive compensation as a member of the Advisory Board; but
25 26	Travel Regu	(2) lations			to reimbursement for expenses under the Standard State lin the State budget.
27 28	(f) determines.	The A	Advisor	ry Boa	ard shall meet regularly at such times and places as it

- 1 (g) The Advisory Board shall provide the Subcabinet with advice and assist the 2 Subcabinet in completing its duties.
- 3 7–1508.
- 4 (c) The Center shall collect data regarding the school resource officers **AND SCHOOL SECURITY EMPLOYEES** in each local school system, including:
- 6 (1) The number of full-time and part-time school resource officers **AND** 7 **SCHOOL SECURITY EMPLOYEES** assigned to each elementary school, middle school, and 8 high school; and
- 9 (2) Any other local school system employees or local law enforcement 10 officers who are fulfilling the role of a school resource officer **OR SCHOOL SECURITY** 11 **EMPLOYEE**.
- 12 (e) (2) Beginning with the 2019–2020 school year, and each school year 13 thereafter, before the school year begins, each local school system shall, in accordance with 14 the plan developed under subsection (d)(2) of this section, file a report identifying:
- 15 (i) The public schools in the local school system's jurisdiction that 16 have a school resource officer assigned to the school; and
- 17 (ii) If a public school in the local school system's jurisdiction is not 18 assigned a school resource officer, the adequate local law enforcement coverage that will be 19 provided to the public school.
- 20 (g) (1) For fiscal [year] YEARS 2020 [and each fiscal year thereafter] 21 THROUGH 2022, the Governor shall appropriate in the annual State budget \$10,000,000 22 to the Fund for the purpose of providing grants to local school systems and local law enforcement agencies to assist in meeting the requirements of subsection (e) of this section.
- 24 (2) Grants provided under this subsection shall be made to each local school system based on the number of schools in each school system in proportion to the total number of public schools in the State in the prior year.
- 27 **7–1511.1.**
- (A) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE
 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
 \$10,000,000 TO THE FUND FOR THE PURPOSE OF PROVIDING GRANTS TO LOCAL
 SCHOOL SYSTEMS TO BE USED ONLY FOR:
- 32 (1) HIRING OR CONTRACTING WITH SCHOOL PSYCHOLOGISTS, 33 SCHOOL SOCIAL WORKERS, SCHOOL COUNSELORS, AND BEHAVIORAL SPECIALISTS

- 1 TO EXPAND THE AVAILABILITY OF SCHOOL-BASED MENTAL HEALTH SERVICES AND
- 2 BEHAVIORAL SUPPORTS FOR STUDENTS;
- 3 (2) HIRING OR CONTRACTING WITH RESTORATIVE APPROACHES
- 4 COORDINATORS AND EXPANDING RESTORATIVE APPROACHES PROGRAMMING IN
- 5 THE SCHOOL SYSTEM;
- 6 (3) HIRING OR CONTRACTING WITH COMMUNITY SCHOOL
- 7 COORDINATORS, DEVELOPING COMMUNITY SCHOOLS, AND PROVIDING
- 8 WRAPAROUND SERVICES IN THE SCHOOL SYSTEM; AND
- 9 (4) DEVELOPING TRAUMA-INFORMED SCHOOLS IN THE SCHOOL
- 10 SYSTEM.
- 11 (B) TO THE EXTENT PRACTICABLE, A LOCAL SCHOOL SYSTEM SHALL USE
- 12 THE GRANTS PROVIDED UNDER THIS SECTION TO HIRE AND CONTRACT WITH
- 13 PROFESSIONALS UNDER SUBSECTION (A) OF THIS SECTION WHO REFLECT THE
- 14 DIVERSITY OF THE STUDENT POPULATION OF THE LOCAL SCHOOL SYSTEM.
- 15 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE GRANTS
- 16 PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE MADE TO EACH
- 17 LOCAL SCHOOL SYSTEM BASED ON THE NUMBER OF SCHOOLS IN EACH LOCAL
- 18 SCHOOL SYSTEM IN PROPORTION TO THE TOTAL NUMBER OF PUBLIC SCHOOLS IN
- 19 THE STATE IN THE IMMEDIATELY PRECEDING SCHOOL YEAR.
- 20 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS SECTION, THE
- 21 SUBCABINET MAY DENY A LOCAL SCHOOL SYSTEM A GRANT IF THE LOCAL SCHOOL
- 22 SYSTEM PREVIOUSLY USED GRANT FUNDS PROVIDED UNDER THIS SECTION FOR A
- 23 PURPOSE OTHER THAN THE PURPOSES LISTED UNDER SUBSECTION (A) OF THIS
- 24 SECTION.
- 25 (II) THE SUBCABINET SHALL ADOPT REGULATIONS
- 26 ESTABLISHING A PROCESS TO WITHHOLD OR REINSTATE GRANT FUNDS UNDER THIS
- 27 SECTION.

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- 28 (D) EACH LOCAL SCHOOL SYSTEM THAT RECEIVES A GRANT UNDER
- 29 SUBSECTION (A) OF THIS SECTION SHALL PROVIDE THE CENTER WITH EVIDENCE OF
- 30 HOW EXTERNAL FUNDING WILL BE MAXIMIZED TO PROVIDE STUDENTS WITH
- 31 BEHAVIORAL HEALTH AND WRAPAROUND SERVICES, INCLUDING THROUGH THE
- 32 SUBMISSION OF CLAIMS TO HEALTH INSURANCE PLANS FOR ANY COVERED HEALTH
- 33 SERVICES, IF APPLICABLE.
 - (E) ON OR BEFORE SEPTEMBER 1, 2021, AND EACH SEPTEMBER 1

THEREAFTER, EACH LOCAL SCHOOL SYSTEM SHALL SUBMIT A REPORT TO THE 1 2 CENTER THAT INCLUDES: 3 **(1)** THE NUMBER OF INDIVIDUALS SERVING IN THE LOCAL SCHOOL 4 SYSTEM AS: 5 (I)SCHOOL SOCIAL WORKERS; 6 (II)SCHOOL PSYCHOLOGISTS; 7 (III) SCHOOL COUNSELORS; AND (IV) BEHAVIORAL SPECIALISTS; 8 9 **(2)** FOR EACH OF THE INDIVIDUALS LISTED UNDER PARAGRAPH (1) 10 OF THIS SUBSECTION, THE INDIVIDUAL'S: FULL-TIME EQUIVALENT STATUS; 11 (I)12 (II)PRIMARY JOB DUTIES; 13 (III) SCHOOL ASSIGNMENTS; AND 14 (IV) STUDENT CASELOADS; 15 **(3)** A STATEMENT THAT: 16 **(I)** CONFIRMS THAT A LOCAL SCHOOL SYSTEM EMPLOYS A 17 SUFFICIENT NUMBER OF SCHOOL PSYCHOLOGISTS, SCHOOL SOCIAL WORKERS, AND 18 SCHOOL COUNSELORS TO SATISFY THE CASELOAD STANDARDS ESTABLISHED BY THE NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS, THE NATIONAL 19 20 ASSOCIATION OF SOCIAL WORKERS, AND THE AMERICAN SCHOOL COUNSELOR 21ASSOCIATION: OR 22 PROVIDES A DESCRIPTION OF THE STEPS THAT THE LOCAL (II)23SCHOOL SYSTEM HAS TAKEN DURING THE IMMEDIATELY PRECEDING FISCAL YEAR 24TO ACHIEVE PROGRESS TOWARD SATISFYING THE CASELOAD STANDARDS AND 25 OTHERWISE ADDRESS THE STUDENT MENTAL HEALTH AND BEHAVIORAL SUPPORT 26NEEDS OF ITS STUDENT POPULATION; 27 **(4) (I)** THE NUMBER OF COMMUNITY SCHOOLS IN THE LOCAL 28 SCHOOL SYSTEM;

- 1 (II) THE NUMBER OF STUDENTS AND PARENTS THAT THE 2 COMMUNITY SCHOOLS SERVE; AND
- 3 (III) ANY STEPS THE LOCAL SCHOOL SYSTEM HAS TAKEN IN THE
- 4 IMMEDIATELY PRECEDING SCHOOL YEAR TO EXPAND ITS NUMBER OF COMMUNITY
- 5 SCHOOLS;
- 6 (5) (I) THE NUMBER OF TRAUMA-INFORMED SCHOOLS IN THE 7 LOCAL SCHOOL SYSTEM;
- 8 (II) THE NUMBER OF STUDENTS AND PARENTS THAT THE 9 TRAUMA-INFORMED SCHOOLS SERVE;
- 10 (III) A DESCRIPTION OF THE TRAUMA-INFORMED PRACTICES
- 11 USED IN ALL SCHOOLS IN THE LOCAL SCHOOL SYSTEM, INCLUDING
- 12 TRAUMA-INFORMED SCHOOLS; AND
- 13 (IV) ANY STEPS THE LOCAL SCHOOL SYSTEM HAS TAKEN IN THE
- 14 IMMEDIATELY PRECEDING SCHOOL YEAR TO EXPAND ITS NUMBER OF
- 15 TRAUMA-INFORMED SCHOOLS;
- 16 (6) A DESCRIPTION OF HOW THE LOCAL SCHOOL SYSTEM USED ANY
- 17 GRANT FUNDS RECEIVED UNDER THIS SECTION IN THE IMMEDIATELY PRECEDING
- 18 SCHOOL YEAR, INCLUDING HIRING AND CONTRACTING WITH PROFESSIONALS IN
- 19 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION;
- 20 (7) A DESCRIPTION OF THE RESTORATIVE APPROACHES
- 21 PROGRAMMING THAT THE LOCAL SCHOOL SYSTEM OFFERS; AND
- 22 (8) A DESCRIPTION OF THE WRAPAROUND SERVICES OFFERED TO
- 23 STUDENTS AT EACH SCHOOL IN THE LOCAL SCHOOL SYSTEM.
- 24 (F) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
- 25 SECTION.
- 26 7–1512.
- 27 (a) There is a Safe Schools Fund.
- (e) The Fund consists of:
- 29 (1) Money credited to the Fund under § 17–106(e) of the Transportation
- 30 Article;

1	1 (2) Money	appropriated in the State budget to the Fund;
2 3		appropriated to the Fund under [§] §§ $7-1508$ AND $7-1511.1$ of
4	4 (4) Money	from any other source accepted for the benefit of the Fund; and
5	5 (5) Any int	erest earnings of the Fund.
6 7		rided in subsection (g) of this section, the Fund may be used only shool systems to enhance school safety, including:
8	` '	ting training for students and school personnel on de–escalation g and reporting behaviors of concern;
10	0 (2) Conduc	ting training of assessment teams;
11	1 (3) Conduc	ting school safety evaluations;
12 13	2 (4) Establi 3 concerns;	shing formal and anonymous mechanisms for reporting safety
14 15		rsing local law enforcement agencies for school resource officer enter;
16	6 (6) Enrollin	ng school security employees in training provided by the Center;
17 18 19 20	8 wraparound services to stu 9 systems to maximize ext	ping plans to deliver school-based behavioral health and other dents who exhibit behaviors of concern, including establishing ernal funding for services] PROVIDING MENTAL HEALTH SERVICES, AND BEHAVIORAL SUPPORTS;
21	1 (8) D EVEL	OPING TRAUMA-INFORMED SCHOOLS;
22 23	• •	MENTING RESTORATIVE APPROACHES IN ACCORDANCE SUBTITLE;
24 25 26	5 safety, including to heigh	Outreach to the broader school community to improve school ten awareness of existing mental health services and other
27 28 29 30	8 safely to and from school, 9 for ensuring personal safe	Providing information to students and parents on traveling including data related to bus and pedestrian safety, strategies ty, efforts of the local school system to improve safety, and stions for reporting incidents and concerns; and

- [(10)] (12) Assisting local school systems to improve and monitor traffic control measures in the immediate vicinity of schools to reduce the potential for pedestrian and vehicle accidents.
- 4 (g) (1) [Beginning in] FOR fiscal [year] YEARS 2020 [and each fiscal year 5 thereafter] THROUGH 2022, at least \$10,000,000 of the money in the Fund shall be used 6 to provide grants to local school systems and local law enforcement agencies as provided 7 under § 7–1508 of this subtitle.
- 8 (2) BEGINNING IN FISCAL YEAR 2023 AND EACH FISCAL YEAR 9 THEREAFTER, AT LEAST \$10,000,000 OF THE MONEY IN THE FUND SHALL BE USED 10 TO PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS AS PROVIDED UNDER § 7–1511.1 OF THIS SUBTITLE.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 13 1, 2021.