

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 496  
Ways and Means

(Delegate Wilkins)

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

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This bill repeals mandated State funding for school resource officers (SRO) and adequate law enforcement coverage after fiscal 2022, and instead requires the Governor, beginning in fiscal 2023, to include \$10 million in the State budget to enhance school-based mental and behavioral health services for students. It also expands the membership of the School Safety Subcabinet Advisory Board, requires the Senate President and Speaker of the House to appoint the chair of the advisory board, alters the definition of school security employee, and requires specified reports by recipients of the grant funding mandated by the bill. The State Board of Education must develop regulations to implement the bill. **The bill takes effect July 1, 2021.**

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Fiscal Summary

**State Effect:** No effect on State expenditures as the bill replaces one mandated general fund appropriation with another of equal size. The Maryland State Department of Education and Maryland Center for School Safety (MCSS) can implement the bill with existing resources. No effect on revenues. **This bill establishes an alternate mandated appropriation beginning in FY 2023.**

**Local Effect:** No net effect on local revenues from State grants, but the distribution of those grants between local school systems and local governments may be affected, as discussed below. The effect on local expenditures varies, as also discussed below. Local school systems can prepare the required annual reports with existing resources.

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

#### *Mandated Grant Funding*

The \$10 million in mandated grant funds must be distributed to local school systems in proportion to the number of public schools they have in the State. The funds may be used only to:

- hire or contract with specified mental and behavioral health specialists to expand the availability of school-based mental health services and behavioral supports for students;
- hire or contract with restorative approaches coordinators and expanding restorative approaches programming in the school system;
- hire or contract with community school coordinators, developing community schools, and providing wraparound services; and
- develop trauma-informed schools.

To the extent practicable, each local school system must use the grant funds to hire and contract with professionals who reflect the diversity of the student population in the school system.

The School Safety Subcabinet (1) may deny grant funds to a school system that previously used the funds for unauthorized purposes and (2) must develop regulations to establish a process for withholding the funds.

#### *Reporting Requirements*

Each local school system that receives a grant must provide MCSS with evidence of how external funding will be maximized to provide students with behavioral health and wraparound services.

By September 1, 2021, and each year thereafter, each local school system that receives a grant must submit a report to MCSS with specified information regarding the use of the grant funds.

#### *School Security Employees*

A “school security employee” does not carry a firearm and does not have the authority to arrest students.

## **Current Law:**

### *Definitions*

A community school is a public school that establishes a set of strategic partnerships with other community resources that promote student achievement, positive learning conditions, and the well-being of students, families, and the community.

Restorative approaches is a relationship-focused student discipline model that (1) is preventive and proactive; (2) emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community; (3) focuses on accountability for any harm done by problem behavior; and (4) addresses ways to repair the relationships affected by problem behavior.

A trauma-informed school is a school that (1) acknowledges the widespread impact of trauma and understands the potential paths for recovery; (2) recognizes the signs and symptoms of trauma in students, teachers, and staff; (3) integrates information about trauma into policies, procedures, and practices; and (4) actively resists retraumatizing a student, teacher, or staff member who has experienced trauma.

### *Safe to Learn Act*

Chapter 30 of 2018, the Maryland Safe to Learn Act, made comprehensive changes designed to improve the safety of the State's public schools. The remainder of this section summarizes relevant provisions of the Act.

### *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.

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

The School Safety Subcabinet Advisory Board includes a broad array of stakeholders to advise and assist the subcabinet in carrying out its duties. The chair of the advisory board is appointed by the Governor.

### *School Resource Officers and School Security Employees*

The Safe to Learn Act defines an SRO as (1) a law enforcement officer assigned to a school in accordance with a memorandum of understanding (MOU) between a local law enforcement agency and a local school system or (2) a Baltimore City School Police Officer, as defined in current law. A school security employee is an individual who is not an SRO but who is employed by a local school system to provide safety and security-related services at a public school, as specified by regulations adopted by the subcabinet.

Each local school system must 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.

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 established by Chapter 30. Grants must be made based on the proportion of public schools in each jurisdiction.

**Local Fiscal Effect:** Most local school systems provide SROs and/or law enforcement coverage through an MOU with their local law enforcement agency. The specific arrangements regarding which entity bears the cost of the SRO/coverage are not known and likely vary among the counties. The loss of State grant funds, therefore, may affect local law enforcement agencies and local school systems; the effects will vary by jurisdiction.

The new mandated funding is distributed only to local school systems. To the extent that they are *not* the recipient or beneficiary of the current mandated grants, their revenues increase from the new mandated State grants; otherwise, they experience no net effect in revenues.

Similarly, the net effect on local expenditures will vary by jurisdiction. Under Chapter 30, local school systems must still provide either an SRO or adequate law enforcement coverage for every school. Local expenditures to maintain those positions or coverage likely increase to offset the loss of State funding. In some cases, local school systems will bear some or all of that cost; in others, local law enforcement will bear some or all of the cost. Some jurisdictions may opt for fewer SROs (by expanding or redirecting existing law enforcement coverage) to minimize the fiscal impact of the lost State grants.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Association of County Health Officers; Maryland State Department of Education; Maryland Center for School Safety; Department of Budget and Management; Maryland Department of Health; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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