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2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 677

(Senator Waldstreicher)

Education, Energy, and the Environment

Maryland Center for School Safety – Statewide Secure Schools Emergency Response Program – Established

This bill establishes the Statewide Secure Schools Emergency Response Program administered by the Maryland Center for School Safety (MCSS) to improve the safety and security of public schools. The program must procure and implement a single technology platform through which authorized users are able to contact a public safety answering point (PSAP) to report and communicate during life-threatening or emergency situations. The platform must be implemented in every public school by September 1, 2023. The Governor must include \$4.5 million in the fiscal 2024 budget for the program and \$1.0 million each year thereafter. In accordance with the Maryland Public Information Act (PIA), a custodian of public records must deny inspection of a plan, or any information created for, provided to, or developed through the program. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures increase by \$4.5 million in FY 2024 and \$1.0 million annually thereafter for the technology platform and staffing; the FY 2024 funding is discretionary. Special fund (9-1-1 Trust Fund) expenditures likely increase, potentially significantly, to integrate the program with existing 9-1-1 systems. The program likely cannot meet the bill's deadline for full implementation, as discussed below. No effect on revenues. **This bill establishes a mandated appropriation beginning in FY 2025.**

(\$ in millions)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	4.5	1.0	1.0	1.0	1.0
SF Expenditure	-	-	-	-	-
Net Effect	(\$4.5)	(\$1.0)	(\$1.0)	(\$1.0)	(\$1.0)

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

Local Effect: Local school systems likely incur costs for faculty and staff training, but a reliable estimate is not feasible. Local 9-1-1 systems also likely incur costs, potentially significant, to coordinate and integrate with the program. No effect on revenues. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: The purpose of the Statewide Emergency Response Program is to improve the safety and security of public schools by implementing a statewide emergency notification system that facilitates communication between public school personnel, a PSAP (*i.e.*, 9-1-1 call center), and a public safety agency in life-threatening and emergency situations, including an active shooter, a medical emergency, severe weather conditions, or an intruder.

The technology platform purchased for the program must be certified by the U.S. Department of Homeland Security under specified federal law and include:

- a cellular phone application-based, panic button event system that can be integrated with local PSAPs and is able to perform specified tasks;
- activation of different system responses based on the location of the user initiating the panic button event, as specified;
- capability to generate an automated emergency alert notification, as specified; and
- real-time communication capabilities to allow a PSAP and other public safety agency personnel to verify the authenticity of reports and panic button events, as specified.

For each public school in its jurisdiction, each local school system must provide MCSS with (1) school floor plans; (2) emergency response plans; and (3) access to or geolocation coordinates for the property boundaries.

A person participating in the program, including MCSS employees and PSAP employees, is immune from civil or criminal liability if the person acts in good faith when responding to a reported threat or emergency situation.

The Maryland 9-1-1 Board must aid MCSS in operating the program. The board must establish procedures to integrate county 9-1-1 systems with the program.

Current Law:

Maryland Center for School Safety

Chapter 372 of 2013 established MCSS as an independent unit within State government under the direction of a governing board chaired by the State Superintendent of Schools. It mandated that the Governor include \$500,000 annually for the center's operations. Chapter 30 of 2018, the Maryland Safe to Learn Act, made MCSS an independent unit within the Maryland State Department of Education (MSDE) under the direction of the School Safety Subcabinet, consisting 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.

Chapter 30 also increased the mandated appropriation for MCSS's operations to \$2.0 million annually.

Maryland's 9-1-1 System and the Maryland 9-1-1 Board

The State's 9-1-1 system operates primarily through PSAPs, which are generally owned and operated by local governments. 9-1-1 specialists working within PSAPs answer, redirect, and take action on 9-1-1 calls received based on the location of the originating 9-1-1 call. State and local governments are preparing for "next generation" 9-1-1 technology that will allow PSAPs to access not only more accurate information about caller location but also other information that will assist emergency personnel in communicating with callers and responding more efficiently. Legislation has been enacted in recent years to, among other things:

- transfer the Maryland 9-1-1 Board that is responsible for administering the 9-1-1 Trust Fund and overseeing the State's 9-1-1 system from the Department of Public Safety and Correctional Services to the Maryland Department of Emergency Management;
- expand the uses of the 9-1-1 Trust Fund to include providing funding for 9-1-1 specialist training activities; and
- increase funding for the State's 9-1-1 system.

The Maryland 9-1-1 Board's other responsibilities include (1) disbursing funds to local governments from the 9-1-1 Trust Fund for authorized costs; (2) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9-1-1 systems; (3) ensuring the inspection of PSAPs; (4) auditing counties to ensure that 9-1-1 trust funds are being used for authorized purposes; (5) establishing training standards for PSAP personnel based on national best practices and related to Next Generation 9-1-1; and (6) consulting with the Maryland Cybersecurity Council to establish cybersecurity standards for PSAPs.

Maryland 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 whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. A custodian must designate types of public records that are to be made available to any applicant immediately on request and maintain a current list of the types of public records that have been so designated. Each custodian must adopt reasonable rules or regulations that, consistent with PIA, govern timely production and inspection of a public record. Chapter 658 of 2021, effective July 1, 2022, requires each official custodian to adopt a policy of proactive disclosure of public records that are available for inspection under PIA, as specified.

Required Denials: 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 specified personal and confidential records and information, including, for example, personnel and student records, hospital records, specified medical and financial information, and shielded criminal and police records. Chapter 62 specifies that a record relating to an administrative or criminal investigation of misconduct by a police officer is not a protected personnel record under PIA and requires a custodian to allow access to such records by federal and State prosecutors.

Discretionary Denials: Unless otherwise specified, if a custodian believes that inspection of a part of a public record by an applicant would be contrary to the public interest, the custodian may deny inspection to the applicant of that part of the record. PIA specifies the

types of records and information that are eligible for discretionary denials, including documents that would not be available through discovery in a lawsuit.

State Expenditures: The bill requires an appropriation of \$4.5 million in fiscal 2024; however, the General Assembly cannot mandate an appropriation in the next budget year. Nevertheless, this analysis assumes that \$4.5 million is allocated to the program, either by the Governor through a supplemental appropriation or by the General Assembly using its authority to reallocate funds in the fiscal 2024 budget as introduced. In subsequent years, the bill mandates \$1.0 million annually for the program.

Staffing Costs

The bill requires MCSS to provide ongoing supervision of the program; coordinate with local school systems, 9-1-1 administrators, and public safety agencies; and provide technical expertise to manage the new platform. MCSS cannot absorb these responsibilities with existing staff.

Therefore, general fund expenditures increase by \$540,090 in fiscal 2024, which accounts for a 30-day start-up delay from the bill's June 1, 2023 effective date. This estimate reflects the cost of hiring one program manager, three administrators, and a geographic information system analyst to provide general oversight, coordinate with local school systems and public safety agencies, train local school staff and 9-1-1 dispatchers, and manage the new platform. It includes salaries, fringe benefits, one-time start-up costs (including purchase of a vehicle), and ongoing operating expenses.

Positions	5.0
Salaries and Fringe Benefits	\$463,325
Vehicle Purchase and Operation	38,395
Other Operating Expenses	<u>38,370</u>
Total FY 2024 MCSS Staffing	\$540,090

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

As staffing costs are less than the mandated appropriation each year, it is assumed that they are covered by the appropriation and that any excess funds are used to procure and maintain the required platform.

Technology Platform

MCSS cannot estimate the cost of procuring the technology platform; it is assumed that the remaining \$3.96 million in fiscal 2024 (after subtracting staffing costs) is sufficient to

purchase the system and that funds in excess of staffing costs in the out-years are sufficient to maintain the system, including paying any licensing fees that may be associated with it. To the extent that the system costs more, costs are greater.

9-1-1 Board and Trust Fund

The Maryland 9-1-1 Board can likely provide technical support to MCSS to implement the program using existing budgeted resources or with minimal additional costs. However, the 9-1-1 system is currently in the midst of a transition to a next generation 9-1-1 system. To the extent that integration of the program with the upgraded 9-1-1 system requires additional expenditures to integrate across multiple computer-aided dispatch (CAD) systems, special fund expenditures from the 9-1-1 Trust fund increase, likely significantly. However, a reliable estimate of any such increase is not feasible.

Local Expenditures: Local school systems can likely provide school plans and coordinates to the program with existing resources, although doing so may be administratively disruptive, especially for larger school systems. However, school systems likely incur costs to train school faculty and staff in protocols for the use of the system. A reliable estimate of these costs is not feasible, but costs may be considerable depending on how many staff members in each school must be trained.

As noted above, the program must integrate its protocols with local 9-1-1 systems. MSDE and MCSS both advise that some local systems already have similar systems in place and integrating a new program with existing technology may be disruptive and expensive. To the extent that local 9-1-1 systems incur additional costs to integrate with the program, local expenditures may increase, potentially significantly, but a reliable estimate is not feasible in the absence of experience with the new platform.

Additional Comments: It is not likely that MCSS can meet the bill's requirement to have the technology platform operational in all public schools by September 1, 2023, which is just three months after the bill takes effect. A procurement of that size typically takes 6 to 12 months to complete. Moreover, the system must integrate with multiple CADs at a time that 9-1-1 technology is itself undergoing substantial upgrades. Uploading all of the school plans into the system, establishing protocols for its use, and training local 9-1-1 dispatchers and school staff in 1,400 public schools to use the new system also likely takes at least one year to complete after the system is procured and operational.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Institute for Emergency Medical Services Systems; Baltimore City; Harford and Montgomery Counties; Maryland Department of Emergency Management; Maryland State Department of Education; Maryland Center for School Safety; Department of Budget and Management; Department of Public Safety and Correctional Services; Department of State Police; Baltimore City Public Schools; Anne Arundel County Public Schools; Department of Legislative Services

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