

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 938 (Senator Hester, *et al.*)
 Education, Energy, and the Environment

**Primary and Secondary Education – School Safety and Student Well-Being –
 Examination of Policies**

This bill (1) repeals mandated funding specifically to help local governments provide School Resource Officers (SROs) and adequate law enforcement coverage for public schools; (2) expands the authorized uses of the Safe Schools Fund to include grants for student mediation programs; and (3) requires the Governor to include an annual appropriation of \$20.0 million to the fund beginning in fiscal 2025. By July 1, 2024, and every two years thereafter, specified entities must review the state of physical security in schools and promulgate guidelines for school security. By December 1, 2024, the Maryland Center for School Safety (MCSS) must contract with a third party to ensure that the center is adequately performing its statutory functions; the Governor must include \$200,000 in fiscal 2025 for this assessment. The Maryland State Department of Education (MSDE), in consultation with specified entities, must provide an analysis of the effect of State and local policies on school safety and student well-being. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures for MCSS increase by \$77,400 in FY 2024 for staffing, \$10.3 million in FY 2025 primarily due to mandates, and \$10.1 million annually thereafter. Special fund revenues and expenditures increase due to the ongoing mandate. **This bill eliminates a mandated appropriation beginning in FY 2025, establishes a new mandated appropriation at a higher funding level beginning in FY 2025, and establishes a one-time mandated appropriation for FY 2025.**

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
SF Revenue	\$0	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
GF Expenditure	\$77,400	\$10,292,200	\$10,096,300	\$10,100,600	\$10,105,900
SF Expenditure	\$0	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
Net Effect	(\$77,400)	(\$10,292,200)	(\$10,096,300)	(\$10,100,600)	(\$10,105,900)

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

Local Effect: Local revenues increase by \$10.0 million annually beginning in FY 2025. The revenues supplant local funds currently being used for school safety but otherwise do not affect local expenditures.

Small Business Effect: None.

Analysis

Bill Summary:

School Safety Fund and School Security

The bill repeals the requirement that the Governor include an annual appropriation to the Safe Schools Fund specifically to help local school systems and law enforcement agencies meet requirements for SROs and adequate school security in current law. Instead, the bill requires the Governor to appropriate annually \$20.0 million to the fund beginning in fiscal 2025. In addition to authorized uses in current law, the Safe Schools Fund may be used to provide grants to develop services for resolving student disputes through a mediation process. The fund may still be used to provide grants for SROs or adequate law enforcement coverage after fiscal 2024, but only in amounts determined by the School Safety Subcabinet. Any funds distributed to local school systems from the Safe Schools Fund for *any* authorized purpose must be allocated proportionately based on each school system's share of the total number of public schools in the State.

Reviews of Physical Security of Schools

By July 1, 2024, and every two years thereafter, MCSS, MSDE, and the Interagency Commission on School Construction (IAC) must review the state of physical security in schools and the existing guidelines on school safety. In performing their joint review, the entities must make use of after-action reviews of critical and life-threatening incidents on school grounds required under current law. After conducting the review, the three entities must promulgate guidelines for school security designed to maximize school safety and minimize impediments to students and staff.

Evaluation of Maryland Center for School Safety

By December 1, 2025, the evaluation of MCSS must be completed by the third-party evaluator, and the evaluation must include (1) an in-depth analysis of each of the center's functions and duties; (2) any areas in which the center is failing to achieve its functions and duties; and (3) recommended changes necessary to achieve success. MCSS must report the results of the evaluation to the Governor and General Assembly by January 15, 2026.

Analysis of State and Local Policies

The analysis of State and local policies by MSDE must be carried out in consultation with MCSS and the Maryland Longitudinal Data System (MLDS) Center and cover policies in place from the 2017-2018 school year through the 2022-2023 school year. It must make use of specified data, disaggregated as specified by the bill. It must examine which State and local policies improved student safety and well-being, as measured by specified outcomes, and it must include recommendations for reproducing or expanding those policies. MSDE must report the results of the analysis to the Governor and General Assembly by July 1, 2024.

Current Law:

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

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 IAC.

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

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. Five years later, the Maryland Safe to Learn Act made MCSS an independent unit *within* MSDE and increased the mandated appropriation for MCSS's operations from \$500,000 to \$2.0 million annually. MCSS's duties include:

- assisting 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;
- analyzing data on SROs and developing guidelines for local school systems regarding the assignment and training of SROs;
- certifying school safety coordinators;
- consulting with local school systems on safety evaluations;
- reviewing and commenting on school emergency plans; and
- reporting 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.

Safe Schools Fund

The Safe Schools Fund is administered by the subcabinet, which must establish procedures for local school systems and law enforcement agencies to apply for grants from the fund. The purpose of the fund is to provide grants to local school systems to enhance school safety, and it may be used only for that purpose, including:

- conducting training for students and school personnel on de-escalation situations and identifying and reporting behaviors of concern;
- conducting training of assessment teams;
- conducting school safety evaluations;
- establishing formal and anonymous mechanisms for reporting safety concerns;
- reimbursing local law enforcement agencies for SRO training;
- enrolling school security employees in specified training;
- developing plans to deliver school-based behavioral health and other wraparound services to specified students;
- outreach to the broader school community to improve school safety;
- providing information to students and parents on traveling safely to and from school; and
- assisting local school systems to provide and monitor traffic control measures in the vicinity of the school.

School Resource Officers

The Maryland Safe to Learn Act defines an SRO 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.

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.

Annually, 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.

State Expenditures:

Mandated Appropriations

The bill replaces the existing mandated appropriation of \$10.0 million specifically to assist local school systems in hiring SROs and/or providing adequate law enforcement coverage for schools with a greater mandated appropriation of \$20.0 million for *any* of the purposes of the Safe Schools Fund, including SROs/adequate law enforcement coverage and development of mediation services to resolve student disputes. All funds distributed from the fund must be proportionate to each local school system's share of the total number of schools in the State.

Review of Physical Security of Schools

The review of physical security of schools must be performed every two years and likely requires substantial ongoing data collection and analysis on security features and policies across 1,400 public schools in the State. It includes promulgating guidelines for school security and updating those guidelines every two years.

Although the bill requires MSDE, MCSS, and IAC to work jointly on the assessment, this analysis assumes that MCSS takes the lead role in completing the analysis and the other two agencies provide support with existing resources. Therefore, general fund expenditures for MCSS increase by \$77,417 in fiscal 2024, which accounts for a 90-day start-up delay from the bill's July 1, 2023 effective date. This estimate reflects the cost of hiring one administrator with data analysis expertise to coordinate the biennial analysis of school

security and promulgating guidelines for schools. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$70,008
Operating Expenses	<u>7,409</u>
Total FY 2024 MCSS Expenditures	\$77,417

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

Performance Evaluation

MCSS advises that the \$200,000 provided by the bill in fiscal 2025 is sufficient to hire a third party to conduct the performance evaluation. The Department of Legislative Services (DLS) notes that the Office of Performance Evaluation and Government Accountability within DLS can likely complete a similar analysis with existing resources.

Analysis of State and Local Policies

MSDE advises that it can complete the one-time analysis of State and local policies and their effect on school safety and student well-being with existing resources, but staffing may be diverted from other department functions, including the implementation of the Blueprint for Maryland's Future. The MLDS Center advises that the data required to be included in the analysis is not longitudinal in nature, so it anticipates having only a limited, if any, role in the analysis. MCSS and IAC can assist MSDE with existing resources.

Local Fiscal Effect: The bill effectively increases the mandated appropriation for the Safe Schools Fund by \$10.0 million and requires all funds to be distributed based on the number of schools in each local school system. The current \$10.0 million mandate for SROs/adequate law enforcement coverage is already distributed proportionally under current law. Therefore, local revenues for school safety increase by a total of \$10.0 million; the distribution of these funds is shown in **Exhibit 1**. Local expenditures increase commensurately.

Exhibit 1
Distribution of Additional \$10.0 Million Mandate for School Safety

<u>County</u>	<u># of Schools</u>	<u>% of Schools</u>	<u>Allocation</u>
Allegany	26	1.8%	\$183,099
Anne Arundel	126	8.9%	887,324
Baltimore City	154	10.8%	1,084,507
Baltimore	179	12.6%	1,260,563
Calvert	26	1.8%	183,099
Caroline	10	0.7%	70,423
Carroll	44	3.1%	309,859
Cecil	29	2.0%	204,225
Charles	39	2.7%	274,648
Dorchester	13	0.9%	91,549
Frederick	69	4.9%	485,915
Garrett	12	0.8%	84,507
Harford	55	3.9%	387,324
Howard	77	5.4%	542,254
Kent	5	0.4%	35,211
Montgomery	210	14.8%	1,478,873
Prince George's	200	14.1%	1,408,451
Queen Anne's	14	1.0%	98,592
St. Mary's	32	2.3%	225,352
Somerset	9	0.6%	63,380
Talbot	8	0.6%	56,338
Washington	44	3.1%	309,859
Wicomico	25	1.8%	176,056
Worcester	14	1.0%	98,592
Total	1,420	100%	\$10,000,000

Source: Maryland State Department of Education; Department of Legislative Services

Additional Information

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

Designated Cross File: None.

Information Source(s): Maryland Longitudinal Data System Center; Maryland State Department of Education; Public School Construction Program; Maryland Center for School Safety; Baltimore City Public Schools; Anne Arundel County Public Schools; Department of Budget and Management; Department of Legislative Services

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