

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 522
 Ways and Means

(Delegate Washington)

Education, Health, and Environmental Affairs
 and Judicial Proceedings

**Public Schools - School Resource Officers and School Security Employees -
 Revisions**

This bill expands the required training, qualifications, and conditions for appointment to a public school for school resource officers (SROs) and school security employees. It also alters the possible uses of existing State grants, requires local school systems to adopt a behavioral health and safety action plan before assigning SROs to schools, and requires the Maryland Center for School Safety (MCSS) to collect and report on specified data about SROs and school security employees. The Governor must include an appropriation of at least \$100,000 annually in the budget for MCSS to complete specified studies. Finally, the bill prohibits an SRO from enforcing a school’s student code of conduct, except under specified circumstances. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures increase by \$100,000 annually beginning in FY 2023 due to the mandated appropriation. Otherwise, MCSS can implement the bill’s provisions with existing resources. Revenues are not affected. **This bill establishes a mandated appropriation beginning in FY 2023.**

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	100,000	100,000	100,000	100,000
Net Effect	\$0	(\$100,000)	(\$100,000)	(\$100,000)	(\$100,000)

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

Local Effect: To the extent SROs and supervisors need to be retrained, local school systems may use existing grant funds from the State to do so. 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.

Small Business Effect: None.

Analysis

Bill Summary:

School Resource Officers and Security Employee Training and Qualifications

MCSS must expand its required training curriculum for SROs and school security employees to include restorative approaches to discipline, identification of prohibited conduct for SROs, and specified best practices for SROs.

Beginning September 1, 2021, each SRO and school security employee must (1) complete the expanded curriculum prior to being assigned to a school; (2) have a disciplinary record that does not include a finding of excessive use of force, as specified; and (3) meet any other criteria adopted by MCSS. School security employees must also pass background checks that reveal no findings of excessive force, child abuse, and other specified crimes.

Beginning August 15, 2021, a local law enforcement agency and a local school system must jointly determine the assignment of SROs to public schools. In Baltimore City, the Baltimore City School Police Force must consult with the Baltimore City Board of School Commissioners before assigning SROs to public schools.

Prohibited Conduct for School Resource Officers and School Security Employees

An SRO may not enforce – and a school administrator may not direct an SRO to enforce – a school’s student code of conduct except (1) if a serious bodily injury with an imminent threat of serious harm has occurred or (2) to prevent an imminent threat of serious bodily injury that cannot be addressed in other ways. A school security employee may not arrest or otherwise detain a student.

Neither an SRO nor a school security employee may inquire into a student’s immigration status or the immigration status of a student’s family members.

An SRO or school security employee who is under investigation for excessive force must be reassigned immediately and may not be assigned to a public school until the investigation has concluded that excessive force was not used.

Local School System and Law Enforcement Agency Requirements

By April 1, 2022, each local school board must establish a template for a behavioral health and safety action plan to be used by each school to which an SRO or school security employee is assigned. The template must be periodically updated, and must include specified metrics to measure, and concrete steps to achieve, improvement in specified areas, including the number of student arrests and the number of expulsions for nonviolent behavior. By June 1 of each year, beginning in 2022, each public school with an SRO or school safety employee must develop a behavioral health and safety action plan based on the template as a condition of employing SROs or school safety employees. The plan must include information on the proper roles for SROs, school security employees, and other school employees. The plans must be submitted to the local school board for review and be published on each school's website.

By September 1, 2021, each local law enforcement agency that assigns SROs must designate a supervisor to whom SROs report. Designated supervisors must meet regularly with school administrators and with SROs to ensure that SROs are maintaining professional and appropriate relationships with students and not enforcing discipline matters. MCSS must develop a specialized curriculum to train SRO supervisors, and by August 15, 2022, all supervisors must complete the training. MCSS must also develop a specialized curriculum to train school administrators in de-escalation, mediation, and other discipline-related matters; MCSS must offer the curriculum to all school administrators by August 15, 2022.

State Grants

Existing State grants to support the assignment of SROs to public schools or the provision of adequate law enforcement coverage to public schools may only be awarded to local school systems (and not to local law enforcement agencies). In addition to being used for those purposes, the grants may be used to (1) hire specified mental and behavioral health specialists or (2) hire community school coordinators, develop community schools, and provide wraparound services. School systems may use the grants for only one of the specified purposes. If a school system elects to use the grants for SROs or law enforcement, it must provide the funding to a local enforcement agency, if appropriate, under the terms of a memorandum of understanding (MOU).

Data Collection and Reporting

MCSS must collect data on any incident in which (1) an SRO detains or searches a student, regardless of whether it results in an arrest or (2) a school security employee searches a student.

Beginning December 1, 2022, and annually thereafter, MCSS must report to the Governor and the General Assembly regarding the ratios of SROs and/or school security employees to students, teachers, and administrators in each school. MCSS must also review and synthesize all data it collects related to SROs and school security employees for the purpose of developing best practices for SROs and school security employees. It must incorporate the best practices into the training it develops.

For fiscal 2023 and annually thereafter, the Governor must include at least \$100,000 in the annual budget bill for MCSS to study the impact that school disciplinary action and the assignment to juvenile detention has on a student's educational and economic outcomes. The mandated funding must supplement and not supplant other funding provided to MCSS.

Current Law: Chapter 30 of 2018 (Maryland Safe to Learn Act) defined an SRO as (1) a law enforcement officer assigned to a school in accordance with an 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. It also defined a school security employee as an individual who is not an SRO and is employed by a local school system to provide safety and security-related services at a public school.

Under Chapter 30, MCSS developed, in consultation with local school systems, a specialized curriculum to be used in training SROs. The curriculum was submitted to and approved by the Maryland Police Training and Standards Commission (MPTSC). Chapter 30 also required MCSS to develop and submit to MPTSC for approval by March 1, 2019, a model training program based on the curriculum, which it has now done. Each local law enforcement agency must enroll SROs and school security employees either in (1) the MCSS model training program or (2) a local training program approved by MPTSC that is consistent with the approved curriculum. All SROs were required to complete an approved specialized training program by September 1, 2019.

MCSS must collect specified data on SROs and, in collaboration with local law enforcement and school systems, develop guidelines based on its analysis of the data to assist local school systems in (1) identifying the appropriate number and assignment of SROs, including supplemental coverage by local law enforcement agencies and (2) collaborating and communicating with local law enforcement agencies. By July 1, 2019, each local school system must have developed a plan in consultation with

local law enforcement to implement the guidelines and submit its plan to MCSS for review and comment.

Before each school year begins, each local school system must annually 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. MCSS must submit annual summaries of the SRO/law enforcement coverage reports it receives to the Governor and General Assembly. MCSS must also collect and report annually data on specified incidents of use of force involving SROs or school security employees.

Each year, 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; the Governor's proposed fiscal 2022 State budget includes the funding. 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 SROs/coverage are not known and likely vary among the counties. To the extent that local law enforcement agencies receive grant funds directly from the State, they no longer do so under the bill. However, they may continue to get grant funding through MOUs with local school systems, if the school systems elect to maintain SRO coverage.

Alternatively, revenues for local law enforcement agencies may decrease (and schools may lose SRO coverage but still receive adequate law enforcement coverage) if local school systems elect to use grant funds for other eligible expenses. In this scenario, revenues for local school systems increase due to State grants that had previously been awarded to local law enforcement agencies being provided directly to the school systems.

Local school systems can comply with the bill's reporting and other requirements with existing resources, but it may require school systems and schools to reprioritize or delay other activities. Likewise, local law enforcement agencies can implement the bill with existing resources but may need to delay or reprioritize work in order to comply with the bill's requirements.

Additional Comment: The Department of Legislative Services notes it is unlikely that SROs and school security employees can complete the new training requirements as a condition of their assignment to a school by September 2021. The bill requires MCSS to expand the existing training curriculum, as specified, and then submit the new curriculum to the MPTSC for review and approval. The development, review, and approval of the

curriculum likely takes several months. Given the bill's June 1, 2021 effective date, it is therefore unlikely that all current 360 SROs and additional school security employees can complete the approved training by September 2021.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland School for the Deaf; 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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