

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1089
Ways and Means

(Delegate Acevero)

Primary and Secondary Education – Expansion of Mental Health Services and
Prohibition of School Resource Officers (Police-Free Schools Act)

This bill prohibits a local school system from contracting with any law enforcement agency to station police officers or other law enforcement personnel with arrest authority in schools or on school property, and further prohibits a school system from establishing its own police force. The bill makes conforming changes to apply many of the requirements for school resource officers (SROs) in current law, including training and reporting requirements, instead to unarmed school security employees who do not have the authority to arrest students. The bill terminates mandated State funding for SROs 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.**

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.

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 regarding the use of the grant funds and other specified information.

The due dates for several existing annual reports are also altered.

School Security Employees

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

By September 1, 2021, MCSS, in consultation with local school systems, must develop a specialized curriculum only for school security employees and submit the curriculum to the Maryland Police Training and Standards Commission for approval. Beginning September 1, 2022, a school security employee must complete the training program in order to be employed at a school.

Baltimore City School Police Force

The authority for Baltimore City Public Schools to operate a police force is repealed.

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. Local school systems must still provide adequate law enforcement coverage for every school. Baltimore City Public Schools must disband its police force; expenditures likely shift to employing school security employees and other forms of adequate coverage (some of which may be provided and paid for by Baltimore City). Assuming that school security employees and adequate coverage can be provided at a lower total cost than SROs, Baltimore City Public Schools likely experiences a net savings.

Local expenditures in other jurisdictions also likely shift to using a combination of school security employees and other forms of adequate coverage. 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. The net effect on local government and local school system expenditures will vary based on which jurisdiction bears the current cost of school security and which bears the future cost under the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland State Department of Education; Governor's Office; Department of Public Safety and Correctional Services; City of Havre de Grace; Maryland Center for School Safety; Department of Budget and Management; Maryland Department of Health; Baltimore City Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Department of Legislative Services

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