

April 9, 2018

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**Legislative Committee
2018 Calendar**

- Apr. 23, 2018 – Session Summary

MABE's Legislative Committee meetings are held in the MABE office on Monday mornings, 10:00 to 12:00, unless otherwise indicated. Meeting agendas and materials are posted on the [MABE website](http://MABE.org).

The End of Session Frenzy

In the final week of the 2018 legislative session, education bills are front and center on the agenda for the Governor, General Assembly, and MABE and other public education advocates. MABE was disappointed the legislature approved the “Grounds for Discipline” bill, delighted that the Governor vetoed it, and within hours once again disappointed that the veto was overridden. MABE also watched as the Knott Commission bill, the 21st Century School Facilities Act enjoyed an even bumpier ride through its veto and veto override. In addition, the Kirwan Commission bill has now passed, as well as the bill to call for a constitutional amendment to make the education trust fund revenues from gaming a true “lock box” of supplemental funding over and above what must already be funded in the annual state budget for education funding formulas. Lastly, as described in some detail below, the General Assembly has devoted considerable time and effort in the final days of session to pass a comprehensive set of school safety reforms in the Safe to Learn Act.

The Safe to Learn Act of 2018

In the last week of session, the Senate Budget and Taxation Committee received a presentation from the Executive Director of the Department of Legislative Services and the Department's lead policy analyst on a new, nearly 40-page long, comprehensive piece of legislation regarding school safety. The bill restructures the governance system for overseeing school safety policies and grants, calls for staffing guidelines for school resource officers and adequate law enforcement coverage at all schools, and calls for an expanded role for local school systems in coordinating mental health services for students.

[Senate Bill 1265](#), a pre-existing piece legislation focusing on school facility upgrades, was completely amended by the Senate and delivered to the House early Saturday morning. The House Ways and Means Committee then adopted the bill with amendments, and by Saturday afternoon the full House began to take final action on the bill.

The bill is massive in scope, and while accompanied by substantial State funding in FY 2019, also acknowledged to require significantly greater investments by the State and local governments in the years ahead.

The following outline draws from the detailed analysis provided in the [bill's fiscal and policy note](#).

School Safety Subcabinet and Advisory Board

- The School Safety Subcabinet consists of 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 (IAC). The State Superintendent or designee chairs the subcabinet and the Executive Director of MCSS provides staff.
- The School Safety Subcabinet Advisory Board is established and includes a broad array of more than 20 stakeholders, including MABE and PSSAM, to advise and assist the subcabinet in carrying out its duties.

Maryland Center on School Safety (MCSS)

- The bill moves MCSS from an independent unit within the State Police to an independent unit within MSDE. MCSS will continue to be based at the Maryland Coordination and Analysis Center, but must establish a satellite office at Bowie State University. The FY 2019 budget already provides \$2.5 million in funding for 13 new positions in MCSS.

School Safety Assessment Teams

- By September 1, 2018, the subcabinet must develop a model policy for the establishment of one or more assessment teams in each local school system. The model policy must address (1) the identification of, and intervention with, students or other individuals who may pose a threat to school safety; (2) the composition and appropriate number of assessment teams within local school systems; and (3) training for the assessment teams.

School Safety Coordinators, Evaluations and Emergency Plans

- Each local school system must designate a school safety coordinator, who must be certified by MCSS and serve as the liaison between the local school system, local law enforcement, and MCSS.
- By June 15, 2019, and regularly thereafter, each local school system must conduct a safety evaluation of each school to (1) identify and, if necessary, develop solutions for physical safety concerns and (2) identify and evaluate any patterns of safety concerns on school property or at school-sponsored events.
- By July 1, 2020, and regularly thereafter, each local school system must update the school emergency plan for each public school

School Resource Officers (SROs)

- An SRO is defined 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.
- By September 1, 2018, MCSS, in consultation with local school systems, must develop a specialized curriculum to be used in training SROs.

- All SROs must complete an approved specialized training program by September 1, 2019.
- MCSS shall collect and report data on incidents of use of force between any school resource officer and a student.
- Requiring each local school system to post information on the role and authority of SROs on the school system's website.
- Before the 2018-2019 school year, each local school system shall file a report with the MSCC identifying the high schools that have an SRO assigned to the school; and, if a high school is not assigned an SRO, how adequate local law enforcement coverage will be provided to the high school.
- Beginning with the 2019–2020 school year, and each school year thereafter, before the school year begins, each local school system shall file a report identifying: the public schools in the local school system's jurisdiction that have a school resource officer assigned to the school; and, if a public school in the local school system's jurisdiction is not assigned a school resource officer, the adequate local law enforcement coverage that will be provided to the public school.
- For FY 2020 and each year thereafter, the Governor shall appropriate in the annual state budget \$10,000,000 to the fund for the purpose of providing grants to local school systems and local law enforcement agencies to assist in meeting the requirements of the SRO/Adequate Coverage section of the bill. Grants are to be made to each local school system based on the number of schools in each school system in proportion to the total number of public schools in the state in the prior year.

School Emergency Drills

- MSDE, in consultation with the subcabinet, may adopt regulations to incorporate age-appropriate components of the Active Shooter Preparedness Program developed by the federal Department of Homeland Security (DHS) or guidelines developed by the Maryland Active Assailant Work Group into the annual schedule of school safety drills.
- The bill authorizes MSDE to adopt regulations for active shooter drills including age and developmentally appropriate procedures for students or school personnel in: (1) securing classrooms; (2) barricading classrooms and school entries; (3) taking refuge in the classroom; and (4) when appropriate, escape from the classroom or school.
- Note that State regulations already require each local school system to develop and implement an annual schedule for drills for each school that, in addition to fire drills, must include a severe weather drill and five types of emergency drills including lock-down, shelter-in-place, evacuation, reverse evacuation, and drop, cover and hold.

School System Mental Health Coordinators, Services and Responsibilities

- By September 1, 2018, each local school system must appoint a mental health services coordinator to coordinate existing mental health services and referral procedures within the local school system.
- Working with specified local entities, the coordinator must (1) ensure that a student who is referred for mental health services obtains the necessary services; (2) maximize external funding for mental health and wraparound services, as defined by the bill; and (3) develop plans for delivering behavioral health and wraparound services to students who exhibit specified behaviors of concern.

- The bill requires the subcabinet to review the local plans for delivering behavioral health and wraparound services and identify gaps in the availability of services and providers for school-age children in the State by December 1, 2018.
- The Kirwan Commission must include in its final report (due December 31, 2018) recommendations for additional mental health and wraparound services in local school systems and funding required for those services.
- Grants from the Safe Schools Fund may be used to develop plans for delivering mental health and wraparound services.

School Safety and Security Funding Overview

The FY 2019 operating budget includes a medley of school safety funds, including \$2.5 million in safety assessment grants to be administered by the Maryland Center for School Safety (and another \$2.5 million for 13 new positions at the Center); \$10 million in MSDE administered school safety grants; and an additional \$10 million in grants to be administered by the IAC for safety related operating and capital projects. This totals \$22.5 million in new school safety funding for local school systems; and is in addition to the \$10 million in school safety improvement grants provided in the capital budget. The Safe to Learn Act calls for \$10 million in mandated funding in FY 2010 and beyond for SROs and other local law enforcement strategies to provide adequate school coverage.

Knott Commission Bill Passes After Contentious Veto Override Debate

[House Bill 1783](#), the 21st Century School Facilities Act, is now law. See the bill's [Fiscal and Policy Note](#) for more detailed information. This bill is closely aligned with the recommendations adopted by the [Knott 21st Century School Facilities Commission](#) and its [Final Report](#).

The Knott Commission bill includes the vast majority of the 36 recommendations in the [Knott Commission's final report](#). However, as introduced, it also included components not directly tied to Commission recommendations, and these were the source of MABE's strongest concerns with the bill. MABE's [written testimony](#) highlights several of these concerns. MABE was very pleased that following deliberations in the House and Senate, the bill was amended to address our major concerns.

As amended late in the legislative process, but as discussed throughout the Knott Commission deliberations, the bill will now have all final decisions on 100% of state funding for school construction projects made by an expanded and restructured Interagency Commission on School Construction, rather than the Board of Public Works. The composition of the new IAC will be 2 members of the public appointed by the Speaker of the House, 2 members appointed by the President of the Senate, 2 members appointed by the Governor, the Secretaries of the State Departments of General Services and Planning, and the State Superintendent of Schools. The bill will no longer designate the Superintendent as chair of the IAC, but instead have the Speaker, President, and Governor jointly select the chair.

The Governor responded to the action to eliminate the role of the Board of Public Works in deciding school facility funding requests with a swift [veto of the bill](#). However, his veto was promptly overridden in the House and Senate.

Kirwan Commission Bill Passes

[House Bill 1415](#) is now passed. This bill extends the deadline for the Commission on Innovation and Excellence in Education to complete its work by one year. It also establishes or alters several programs and mandates funding for them beginning in FY 2019.

The bill includes: (1) a comprehensive teacher recruitment and outreach program; (2) the Maryland Early Literacy Initiative; (3) the Learning in Extended Academic Programs (LEAP) grant program; (4) the Public School Opportunities Enhancement Program (PSOEP); (5) the Teaching Fellows for Maryland scholarship program; and (6) the Career and Technology Education (CTE) Innovation grant program. Beginning in fiscal 2020, the Governor must annually appropriate to the Prekindergarten Expansion Fund an amount that is at least equal to all revenues received in prior fiscal year. For more, read the detailed [fiscal and policy note](#).

Lock Box Bill Passes

[Senate Bill 1122](#) is now passed. This proposed constitutional amendment, if approved by the voters at the next general election, requires the Governor to provide supplemental State funding for public education through the use of commercial gaming revenues that are dedicated to public education in the State budget beginning in fiscal 2020. Supplemental funding must total \$125.0 million in fiscal 2020, \$250.0 million in fiscal 2021, and \$375.0 million in fiscal 2022. In all subsequent years, 100% of the gaming revenues dedicated to public education must be used for supplemental funding. The bill repeals the constitutional provision specifying that capital projects at community colleges and public senior higher education institutions are among the purposes for which revenue from video lottery terminal (VLT) facilities is raised. Beginning in fiscal 2020, the Governor must identify in the annual State budget how the supplemental revenue is being used to supplement and not supplant spending on public schools. For more, read the detailed [fiscal and policy note](#).

Grounds for Employee Discipline Bill Passes After Veto Override

The Governor vetoed [Senate Bill 639](#), agreeing with MABE that the authority to discipline or discharge employees should not be taken away from the local board of education and transferred to an outside arbitrator. The [Governor's veto](#) was short-lived, summarily followed by successful veto override votes in the House and Senate.

MABE Bill Tracking Report & Testimony

During the 2018 session, as bills are introduced, hearings are scheduled, and actions are taken, MABE provides the following updated resources: [Bill Report](#), and [Bills by Subjects](#) (4/6/18)

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