**Legislative Committee Meeting**
**Monday, March 12, 2018**
**10:00 a.m. – Noon**
**MABE Conference Room**

Stacy Korbelak, Legislative Committee Chair
Bob Lord, Legislative Committee Vice-Chair

**Agenda**

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| 3. | Bill Decisions  
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| 5. | Legislative Committee Calendar  
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| 6. | Adjournment | Closing Remarks | Stacy Korbelak |

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Materials for the March 12, 2018 Meeting

Item 3. Bill Decisions

SB 904 - Public Schools – Social Media Use by Educators  (Sponsors: Sen. Waugh and Miller) - This bill would require the State Board of Education to develop a model policy for public schools regarding the use of social media by educators. Each local school system must establish a policy regarding the use of social media by educators based on the State board’s model policy and provide training that relates to its policy on social media for teachers, administrators, staff, students, parents, guardians, and volunteers. The bill does not apply to the use of internal school networks and systems for official school purposes such as grade reporting. For more information, read the Fiscal and Policy Note

- An educator may opt to use social media in the classroom or in connection with school-related activities in accordance with the local school system’s social media policy. A school system, student, parent, or guardian may not compel an educator to use social media in the classroom or in connection with school-related activities.
- An educator who opts to use social media in the classroom or in connection with school-related activities must (1) indicate on the form provided by the local school system the individual’s consent to the social media policy; (2) establish a professional account that is separate from any personal account and used exclusively for school-related activities; and (3) communicate on social media with or about a student only through the professional account used exclusively for school-related activities.
- An educator may not publish any work product or image of a student on a personal social media account. A student or, if the student is a minor, the student’s parent or guardian may consent to the use of social media in the classroom or in connection with school-related activities in accordance with the local school system’s social media policy. However, a local school system, an educator, or any other school employee may not compel a student, parent, or guardian to consent to the use of social media in the classroom or in connection with school-related activities.
- A student, parent, or guardian who consents to the use of social media in the classroom or in connection with school-related activities in accordance with the social media policy must indicate the individual’s consent on the form provided by the local school system.

SB 1226/HB 1801 - Primary and Secondary Schools - Armed School Resource Officers  (Sponsors: Sen. Jennings/Del. Szeliga) - This bill would require each public school to have an armed school resource officer present on school grounds during regular school hours on school days; requiring the Department of State Police to assign a State Police officer to a certain public school under certain circumstances; requiring a certain State Police officer to be present on school grounds during regular school hours on school days and to carry a firearm; and authorizing a private school to have an armed school resource officer present on school grounds.

HB 1811 - Education - Threat Assessment Teams - Establishment and Oversight  (Sponsor: Delegate Fraser-Hidalgo) - This bill would require the State Department of Education to develop a certain model policy for the establishment of a threat assessment team by January 1, 2019; requiring a certain model policy to include certain policies and procedures; requiring each county board of education to establish at least one threat assessment team in the local school system beginning in the 2019-2020 school year; requiring, beginning January 1, 2021, that each threat assessment team report annually quantitative data on its activities to a certain individual and to certain entities; etc.

HB 1807/SB 1250 - Criminal Law - Threat of Mass Violence and Deadly Weapons on Public School Property  (Sponsor: Del. Sydnor/Sen. Lee) - This bill would amend the law regarding threatening to commit a crime of violence so as to prohibit a person from knowingly threatening to commit or threatening to cause to be committed a crime of violence that would place five or more minors at substantial risk of death or serious physical injury if the threat were carried out; repeal the prohibition on wearing, carrying or transporting a firearm on school property; altering and establishing certain penalties; etc.
Item 4. Bill Updates

- **Kirwan Commission Bill**
  House Bill 1415 and Senate Bill 1092 have now been introduced to enact several policy initiatives aligned with the work of the Kirwan Commission on Innovation and Excellence in Education. On February 15, the Kirwan Commission released its Preliminary Report which includes several major policy recommendations of the Commission.

- **Knott Commission Bill**
  House Bill 1783 was introduced on March 1 and heard in the House Appropriations Committee on March 7. See the bill’s Fiscal and Policy Note for more detailed information. The Knott 21st Century School Facilities Commission has now issued its Final Report.

- **Bill Calls for Constitutional Amendment Referendum on Gaming Revenue for Schools**
  House Bill 1697 and Senate Bill 1122 have been introduced to propose an amendment to the Maryland State Constitution to convert the Education Trust Fund as a repository of gaming revenue which may be supplanted, into a source of supplemental education funding which must be included in the Governor’s annual state budgets in excess of what is otherwise mandated by school funding formulas.

- **Governor’s Education Trust Fund Bill and School Safety Bill Introduced**
  The Commitment to Education Act (HB 1815/SB 1258) is the Governor’s proposal to phase in the conversion of the $500M Education Trust Fund into supplemental funding for school system operating and capital costs.

  - The legislation would begin to mandate shifts of Education Trust Fund revenues in FY 2020 to fund school safety capital cost grants ($125M), a safe schools fund to fund planning and programs ($50M), and direct aid to local school systems ($25M).
  - In FY 2021, the additional direct aid number grows significantly ($150M), and in addition to the safe schools grants ($50M) the bill would start to provide PAYGO funding for school construction ($100M).
  - By FY 2023, safe schools grants would remain at $50M, and PAYGO for school construction would remain at $100M, but direct aid to school systems would increase to $350M.
  - Provide that the percentages of the Education Trust Fund which shall be used to supplement, not supplant, funding for programs and formulas established under the Education Article will increase from 40% in FY 2020 to 100% in FY 2023 and thereafter.

The Safe Schools Act (HB 1816/SB 1257) would establish the Safe Schools Fund, which would provide grants to local boards for the implementation of approved emergency safety plans and other safety improvements. This is the operating cost grant fund designated to receive the $50M annually from the Commitment to Education Act. In addition, the Safe Schools Act would:

  - Add members to the governing board of the Maryland Center for School Safety.
  - Increase the mandated appropriation for the Center from $500K to $3M.
  - Require each board to employ a designated security administrator, certified by the Safety Center, and responsible for ensuring the safety and security of students, faculty, staff, and visitors on school property and at school-sponsored events.
  - Require school resource officers to be certified by the Maryland Police Training and Standards Commission using a curriculum developed by the Safety Center.
  - Require local boards to prepare emergency plans for review, comment, and suggested amendments by the Safety Center; and require State Board approval, amendment, or rejection of the plans.
  - Require the State Board to adopt regulations governing contents of school emergency plans and the process for safety assessments of schools.
  - Require that threat assessment teams be formed to provide guidance to students, parents and staff and implement local board policies, in accordance with state regulations adopted by the State Board.
  - Provide that local board records pertaining to school emergency plans and safety assessments are not subject to inspection under the Public Information Act.
Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader
Senate Bill 904
(Senators Waugh and Miller)
Education, Health, and Environmental Affairs

Public Schools – Social Media Use by Educators

This bill requires the State Board of Education to develop a model policy for public schools regarding the use of social media by educators. Each local school system must establish a policy regarding the use of social media by educators based on the State board’s model policy and provide training that relates to its policy on social media for teachers, administrators, staff, students, parents, guardians, and volunteers. The bill does not apply to the use of internal school networks and systems for official school purposes such as grade reporting. The bill takes effect July 1, 2018.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can develop the model policy using existing resources. Revenues are not affected.

Local Effect: Local school systems can establish and implement local policies using existing resources. It is assumed that the required training can be in the form of handouts or otherwise communicated using existing resources.

Small Business Effect: None.
Analysis

Bill Summary:

Model Policy

The model policy must protect student privacy and educator integrity and allow safe and appropriate communication among educators and with students, parents, guardians; promotion of school activities; and use of social media by educators in the classroom and in connection with school-related activities. The model policy developed must include guidelines that address specified topics including the use and publishing of student names, images, and work products; and the intersection of personal and professional personas.

Local School Systems

An educator may opt to use social media in the classroom or in connection with school-related activities in accordance with the local school system’s social media policy. A school system, student, parent, or guardian may not compel an educator to use social media in the classroom or in connection with school-related activities.

An educator who opts to use social media in the classroom or in connection with school-related activities must (1) indicate on the form provided by the local school system the individual’s consent to the social media policy; (2) establish a professional account that is separate from any personal account and used exclusively for school-related activities; and (3) communicate on social media with or about a student only through the professional account used exclusively for school-related activities.

An educator may not publish any work product or image of a student on a personal social media account.

A student or, if the student is a minor, the student’s parent or guardian may consent to the use of social media in the classroom or in connection with school-related activities in accordance with the local school system’s social media policy. However, a local school system, an educator, or any other school employee may not compel a student, parent, or guardian to consent to the use of social media in the classroom or in connection with school-related activities.

A student, parent, or guardian who consents to the use of social media in the classroom or in connection with school-related activities in accordance with the social media policy must indicate the individual’s consent on the form provided by the local school system.
**Current Law/Background:** The growing use of social media in daily lives has raised new questions of professional ethics for teachers. Guidance can help teachers avoid the common social media pitfalls and make them aware of the tools to separate their public and private lives. On the other hand, when developing social media policies, states and local school systems need to be sure they comply with freedom of speech granted by the First Amendment of the U.S. Constitution and employment rights afforded teachers. In Maryland, there are no laws governing social media use by educators; however, there are federal and State laws governing student data privacy.

Chapter 413 of 2015 – Student Data Privacy Act – requires an operator of specified websites, online services, online applications, and mobile applications designed primarily for a preK-12 public school purpose operating in accordance with a contract to (1) protect covered information from unauthorized access, destruction, use, modification, or disclosure; (2) implement and maintain reasonable security procedures and practices to protect covered information; and (3) delete covered information upon request of the public school or local school system. In addition, an operator may not knowingly (1) engage in targeted advertising based on the data collected through the website, online service, or application; (2) except in furtherance of a preK-12 school purpose, use information to make a profile about a student; (3) sell a student’s information, except as provided; or (4) disclose covered information, except as detailed in the bill. Operators may use aggregated or de-identified information under certain circumstances. Chapter 413 does not apply to general audience websites, online services, online applications, or mobile applications, even if a login is created.

At the federal level, the Family Educational Rights and Privacy Act (FERPA) and the Children’s Online Privacy Protection Act (COPPA) govern the privacy of student data when educational institutions engage cloud service providers.

FERPA generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student’s education records, unless the educational institution has obtained signed and dated written consent from a parent or eligible student or one of FERPA’s exceptions applies. Educational institutions are bound by FERPA to protect the privacy of student and family information. In addition, MSDE follows guidelines specified by the Maryland Department of Information Technology’s Information Security Policy.

COPPA governs operators of websites and online services that are directed to children younger than age 13 and operators of general audience websites or online services that have actual knowledge that a user is younger than age 13. Notably, the Federal Trade Commission has clarified that if an educational institution contracts with a cloud service provider that uses the students’ data for advertising or marketing purposes, then COPPA is triggered.

SB 904/ Page 3
According to the Code of Maryland Regulations, individual student records maintained by teachers or other school personnel under certain provisions are to be confidential in nature, and access to these records may be granted only for the purpose of serving legitimate and recognized educational ends. Individual student records, with the exception of records that are designated as permanent and with other exceptions provided by law, must be destroyed when they are no longer able to serve legitimate and recognized educational ends.

**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2018

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
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SENATE BILL 904

By: Senators Waugh and Miller
Introduced and read first time: February 5, 2018
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Public Schools – Social Media Use by Educators

3 FOR the purpose of requiring the State Board of Education to develop a certain model policy
4 for public schools regarding the use of social media by educators; requiring the model
5 policy to include certain guidelines and certain model forms; requiring each local
6 school system to establish a certain policy regarding the use of social media and to
7 provide certain training relating to the policy; requiring an educator who opts to use
8 social media in the classroom or in connection with school-related activities in
9 accordance with the local school system’s policy to indicate the individual’s consent
10 on a certain form, establish a certain professional account, and communicate on
11 social media with or about students only through the professional account;
12 prohibiting an educator from publishing a work product or image of a student on a
13 social media personal account; prohibiting a certain person from compelling an
14 educator to use social media in the classroom or in connection with school-related
15 activities; requiring a student, parent, or guardian who consents to certain uses of
16 social media in the classroom or in connection with school-related activities to
17 indicate the individual’s consent on a certain form; prohibiting a certain person from
18 compelling a student, parent, or guardian to consent to certain uses of social media;
19 providing for the application of this Act; and generally relating to the use of social
20 media in public schools.

21 BY adding to
22 Article – Education
23 Section 7-441
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2017 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

28 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
7–441.

(A) This section does not apply to the use of internal school networks and systems for official school purposes such as grade reporting.

(B) The State Board shall develop a model policy for public schools regarding the use of social media by educators that:

(1) protects student privacy and educator integrity; and

(2) allows safe and appropriate:

(i) communication among educators and with students, parents, and guardians;

(ii) promotion of school activities; and

(iii) use of social media by educators in the classroom and in connection with school-related activities.

(C) The model policy developed under subsection (B) of this section shall include:

(1) guidelines that address:

(i) the use and publishing of student names, images, and work products;

(ii) the use of other personally identifiable information;

(iii) location tags on social media postings;

(iv) commercialization of a classroom through product placement, solicitation, or advertisement;

(v) appropriate and inappropriate images and depictions of conduct;

(vi) professional, educational, and respectful content;
(vii) the suggestion or encouragement of illegal activity;

(viii) defamatory, threatening, harassing, or discriminating content;

(ix) graphic, obscene, or explicit content;

(x) the intersection of personal and professional personas; and

(xi) school administrator oversight and authority;

(2) a model form for educators to use to indicate their consent to use social media in the classroom and in connection with school-related activities in accordance with the guidelines; and

(3) a model form for students, parents, and guardians to use to indicate their consent to the use of social media in the classroom and in connection with school-related activities in accordance with the guidelines.

(D) each local school system shall:

(1) establish a policy regarding the use of social media by educators based on the state board's model policy; and

(2) provide training that relates to its policy on social media for teachers, administrators, staff, students, parents, guardians, and volunteers.

(E) (1) (i) an educator may opt to use social media in the classroom or in connection with school-related activities in accordance with the local school system's social media policy.

(ii) a school system, student, parent, or guardian may not compel an educator to use social media in the classroom or in connection with school-related activities.

(2) an educator who opts to use social media in the classroom or in connection with school-related activities shall:
(I) Indicate on the form provided by the local school system the individual’s consent to the social media policy;

(II) Establish a professional account that is separate from any personal account and used exclusively for school-related activities; and

(III) Communicate on social media with or about a student only through the professional account used exclusively for school-related activities.

(3) An educator may not publish any work product or image of a student on a social media personal account.

(F) (1) (I) A student or, if the student is a minor, the student’s parent or guardian may consent to the use of social media in the classroom or in connection with school-related activities in accordance with the local school system’s social media policy.

(II) A local school system, an educator, or any other school employee may not compel a student, parent, or guardian to consent to the use of social media in the classroom or in connection with school-related activities.

(2) A student, parent, or guardian who consents to the use of social media in the classroom or in connection with school-related activities in accordance with the social media policy shall indicate the individual’s consent on the form provided by the local school system.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.
SENATE BILL 1226

By: Senators Jennings, Bates, Brochin, Cassily, DeGrange, Eckardt, Edwards, Guzzone, Hershey, Hough, Klausmeier, Mathias, Norman, Ready, Reilly, Salling, Serafini, Simonaire, and Waugh

Introduced and read first time: February 28, 2018
Assigned to: Rules

A BILL ENTITLED

AN ACT concerning

Primary and Secondary Schools – Armed School Resource Officers

FOR the purpose of requiring each public school to have an armed school resource officer present on school grounds during certain times; requiring the Department of State Police to assign a State Police officer to a certain public school under certain circumstances; requiring a certain State Police officer to be present on school grounds during certain times under certain circumstances and to carry a firearm; authorizing a private school to have an armed school resource officer present on school grounds; defining a certain term; and generally relating to armed school resource officers at primary and secondary schools.

BY adding to
Article – Education
Section 7–441
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

7–441.

(A) IN THIS SECTION, “ARMED SCHOOL RESOURCE OFFICER” MEANS AN INDIVIDUAL WHO CARRIES A FIREARM IN THE INDIVIDUAL’S CAPACITY AS:

(1) A SCHOOL RESOURCE OFFICER, AS DEFINED IN § 26–102 OF THIS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] INDICATE MATTER DELETED FROM EXISTING LAW.
ARTICLE;

(2) A BALTIMORE CITY SCHOOL POLICE OFFICER, AS DEFINED IN § 4-318 OF THIS ARTICLE; OR

(3) ANY OTHER LAW ENFORCEMENT OFFICER ASSIGNED TO A PUBLIC SCHOOL.

(B) EACH PUBLIC SCHOOL SHALL HAVE AN ARMED SCHOOL RESOURCE OFFICER PRESENT ON SCHOOL GROUNDS DURING REGULAR SCHOOL HOURS ON SCHOOL DAYS.

(C) (1) IF A PUBLIC SCHOOL IS UNABLE TO MEET THE REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL ASSIGN A STATE POLICE OFFICER TO THE PUBLIC SCHOOL.

(2) A STATE POLICE OFFICER ASSIGNED TO A PUBLIC SCHOOL UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(i) BE PRESENT ON SCHOOL GROUNDS DURING REGULAR SCHOOL HOURS ON SCHOOL DAYS; AND

(ii) CARRY A FIREARM.

(D) A PRIVATE SCHOOL MAY HAVE AN ARMED SCHOOL RESOURCE OFFICER PRESENT ON SCHOOL GROUNDS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.
HOUSE BILL 1811

By: Delegate Fraser–Hidalgo
Rules suspended
Introduced and read first time: March 6, 2018
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 Education – Threat Assessment Teams – Establishment and Oversight

3 FOR the purpose of requiring the State Department of Education to develop a certain model
4 policy for the establishment of a threat assessment team on or before a certain date;
5 requiring a certain model policy to include certain policies and procedures; requiring
6 each county board of education to establish a certain minimum number of threat
7 assessment teams in the local school system based on a certain model policy on or
8 before a certain date; requiring a threat assessment team to include individuals with
9 certain expertise; providing for the duties of a threat assessment team; authorizing
10 a threat assessment team to obtain a certain student’s health records under certain
11 circumstances; requiring a threat assessment team to report a certain determination
12 to the county superintendent; authorizing a threat assessment team to report a
13 certain determination to the local law enforcement agency; requiring a county
14 superintendent to notify a certain student’s parent or legal guardian about the threat
15 assessment team’s determination; requiring the threat assessment team to report
16 certain data to certain entities on or before a certain date and each year thereafter;
17 authorizing a county superintendent to establish a threat assessment team oversight
18 committee; requiring a threat assessment team oversight committee to include
19 individuals with certain expertise; requiring a certain law enforcement agency to
20 notify a certain threat assessment team if a certain student is arrested for a certain
21 offense; requiring the State’s Attorney to notify a certain threat assessment team of
22 the disposition of a certain reportable offense by a student under certain
23 circumstances; requiring a certain health care provider to disclose certain medical
24 records of a certain person to a certain threat assessment team under certain
25 circumstances; defining a certain term; and generally relating to the establishment
26 and oversight of threat assessment teams in local school systems.

27 BY adding to
28 Article – Education
29 Section 7–125

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–303(a) through (c) and (f)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 4–301(a) and (l), 4–306(a) and (c), and 4–307(a) through (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–306(b)(11)(ii) and (12) and 4–307(k)(1)(v)2. and (vi)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – Health – General
Section 4–306(b)(13) and 4–307(k)(1)(vii)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

7–125.

(A) (1) On or before January 1, 2019, the Department shall
develop a model policy for the establishment of a threat assessment
team.

(2) The model policy under paragraph (1) of this subsection
shall include:

(i) Policies on the assessment of student behavior
and intervention with a student based on behavior that poses a threat
to the safety of other students or school staff; and

(ii) Procedures for referral of a student to:
1. THE LOCAL LAW ENFORCEMENT AGENCY; OR

2. HEALTH CARE PROVIDERS FOR EVALUATION OR

3. TREATMENT, IF APPROPRIATE.

(B) (1) BEGINNING IN THE 2019–2020 SCHOOL YEAR, EACH COUNTY

5. BOARD SHALL ESTABLISH AT LEAST ONE THREAT ASSESSMENT TEAM IN THE LOCAL

6. SCHOOL SYSTEM BASED ON THE MODEL POLICY DEVELOPED UNDER SUBSECTION

(A) OF THIS SECTION.

(2) A THREAT ASSESSMENT TEAM SHALL INCLUDE INDIVIDUALS WITH

9. EXPERTISE IN:

(i) STUDENT COUNSELING;

(ii) EDUCATIONAL INSTRUCTION;

(iii) SCHOOL ADMINISTRATION; AND

(iv) LAW ENFORCEMENT.

(3) THE THREAT ASSESSMENT TEAM SHALL:

(i) PROVIDE GUIDANCE TO STUDENTS, FACULTY, AND STAFF

16. MEMBERS REGARDING THE RECOGNITION AND REPORTING OF THREATENING OR

17. ABERRANT STUDENT BEHAVIOR THAT MAY REPRESENT A THREAT TO THE

18. COMMUNITY, SCHOOL, OR STUDENT;

(ii) IDENTIFY SPECIFIC MEMBERS OF THE SCHOOL COMMUNITY

20. TO WHOM A STUDENT MAY REPORT THREATENING BEHAVIOR; AND

21. (iii) IMPLEMENT THE THREAT ASSESSMENT POLICIES ADOPTED

22. BY THE COUNTY BOARD BASED ON THE MODEL POLICY DEVELOPED BY THE

23. DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION.

24. (C) (1) (i) IF A THREAT ASSESSMENT TEAM MAKES A PRELIMINARY

25. DETERMINATION THAT A STUDENT POSES A THREAT OF VIOLENCE OR PHYSICAL

26. HARM TO SELF OR TO OTHERS, THE THREAT ASSESSMENT TEAM MAY OBTAIN THE

27. STUDENT'S HEALTH RECORDS AS PROVIDED IN §§ 4–306 AND 4–307 OF THE HEALTH

28. – GENERAL ARTICLE.

29. (ii) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
SUBSECTION, A MEMBER OF THE THREAT ASSESSMENT TEAM MAY NOT DISCLOSE
ANY PERSONAL HEALTH INFORMATION OBTAINED UNDER SUBPARAGRAPH (I) OF
THIS PARAGRAPH.

(2) IF A THREAT ASSESSMENT TEAM DETERMINES THAT A STUDENT
POSES A THREAT OF VIOLENCE OR PHYSICAL HARM TO SELF OR TO OTHERS, THE
THREAT ASSESSMENT TEAM:

(i) SHALL IMMEDIATELY REPORT THIS DETERMINATION TO
THE COUNTY SUPERINTENDENT; AND

(ii) MAY REPORT THIS DETERMINATION TO THE LOCAL LAW
ENFORCEMENT AGENCY.

(3) AFTER A THREAT ASSESSMENT TEAM MAKES A REPORT TO THE
COUNTY SUPERINTENDENT UNDER PARAGRAPH (2)(i) OF THIS SUBSECTION, THE
COUNTY SUPERINTENDENT SHALL IMMEDIATELY ATTEMPT TO NOTIFY THE
STUDENT'S PARENT OR LEGAL GUARDIAN ABOUT THE DETERMINATION.

(D) ON OR BEFORE JANUARY 1, 2021, AND EACH YEAR THEREAFTER, EACH
THREAT ASSESSMENT TEAM ESTABLISHED UNDER SUBSECTION (C) OF THIS
SECTION SHALL REPORT QUANTITATIVE DATA ON ITS ACTIVITIES TO:

(1) THE STATE BOARD;

(2) THE COUNTY SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
IN WHICH THE THREAT ASSESSMENT TEAM WAS ESTABLISHED;

(3) THE MARYLAND STATE POLICE; AND

(4) THE MARYLAND DEPARTMENT OF HEALTH.

(E) (1) EACH COUNTY SUPERINTENDENT MAY ESTABLISH A THREAT
ASSESSMENT TEAM OVERSIGHT COMMITTEE.

(2) THE THREAT ASSESSMENT TEAM OVERSIGHT COMMITTEE SHALL
INCLUDE INDIVIDUALS WITH EXPERTISE IN:

(i) HUMAN RESOURCES;

(ii) EDUCATION;

(iii) SCHOOL ADMINISTRATION;
1 (IV) MENTAL HEALTH; AND

2 (V) LAW ENFORCEMENT.

3 7–303.

4 (a) (1) In this section the following words have the meanings indicated.

5 (2) “Criminal gang” has the meaning stated in § 9–801 of the Criminal Law
6 Article.

7 (3) “Law enforcement agency” means the law enforcement agencies listed
8 in § 3–101(e) of the Public Safety Article.

9 (4) “Local school system” means the schools and school programs under the
10 supervision of the local superintendent.

11 (5) “Local superintendent” means:

12 (i) The county superintendent, for the county in which a student is
13 enrolled, or a designee of the superintendent, who is an administrator; or

14 (ii) The superintendent of schools for the:

15 1. Archdiocese of Baltimore;

16 2. Archdiocese of Washington; and

17 3. Catholic Diocese of Wilmington.

18 (6) “Reportable offense” means:

19 (i) A crime of violence, as defined in § 14–101 of the Criminal Law
20 Article;

21 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the Courts
22 Article;

23 (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
24 Criminal Law Article;

25 (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through 5–614,
26 § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

27 (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal Law
28 Article;
HOUSE BILL 1811

(vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the Criminal Law Article;

(vii) A violation of § 9–802 or § 9–803 of the Criminal Law Article;

(viii) A violation of § 3–203 of the Criminal Law Article;

(ix) A violation of § 6–301 of the Criminal Law Article;

(x) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal Law Article;

(xi) A violation of § 7–105 of the Criminal Law Article;

(xii) A violation of § 6–202 of the Criminal Law Article; or


(7) "School principal" means the principal of the public or nonpublic school in which a student is enrolled, or a designee of the principal, who is an administrator.

(8) (i) "School security officer" includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(ii) "School security officer" does not include a teacher.

(9) "Student" means an individual enrolled in a public school system or nonpublic school in the State who is 5 years of age or older and under 22 years of age.

(10) "THREAT ASSESSMENT TEAM" MEANS A THREAT ASSESSMENT TEAM ESTABLISHED BY A COUNTY BOARD UNDER § 7–125 OF THIS TITLE.

(b) If a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal gang, the law enforcement agency making the arrest:

(1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:

(i) The local superintendent;

(ii) The school principal; [and]

(iii) For a school that has a school security officer, the school security
(IV) THE THREAT ASSESSMENT TEAM; AND

(2) May notify the State's Attorney of the arrest and charges.

(c) The State’s Attorney shall promptly notify [either] the local superintendent, THE THREAT ASSESSMENT TEAM, or the school principal of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(f) The State Board shall adopt regulations to ensure that information obtained by a local superintendent, A THREAT ASSESSMENT TEAM, a school principal, or a school security officer under subsections (b), (c), and (e) of this section is:

(1) Used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment for students and school personnel;

(2) Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection; and

(3) Destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first.

Article – Health – General

4–301.

(a) In this subtitle the following words have the meanings indicated.

(l) “Person in interest” means:

(1) An adult on whom a health care provider maintains a medical record;

(2) A person authorized to consent to health care for an adult consistent with the authority granted;

(3) A duly appointed personal representative of a deceased person;

(4) (i) A minor, if the medical record concerns treatment to which the minor has the right to consent and has consented under Title 20, Subtitle 1 of this article; or

(ii) A parent, guardian, custodian, or a representative of the minor designated by a court, in the discretion of the attending physician who provided the treatment to the minor, as provided in § 20–102 or § 20–104 of this article;
(5) If item (4) of this subsection does not apply to a minor:

(ii) A parent of the minor, except if the parent’s authority to consent to health care for the minor has been specifically limited by a court order or a valid separation agreement entered into by the parents of the minor; or

(ii) A person authorized to consent to health care for the minor consistent with the authority granted; or

(6) An attorney appointed in writing by a person listed in item (1), (2), (3), (4), or (5) of this subsection.

4–306.

(a) In this section, “compulsory process” includes a subpoena, summons, warrant, or court order that appears on its face to have been issued on lawful authority.

(b) A health care provider shall disclose a medical record without the authorization of a person in interest:

(11) To a local drug overdose fatality review team established under Title 5, Subtitle 9 of this article as necessary to carry out its official functions, subject to:

(ii) Any additional limitations for disclosure or redisclosure of a medical record developed in connection with the provision of substance abuse treatment services under State law or 42 U.S.C. § 290DD–2 and 42 C.F.R. Part 2; [or]

(12) To a guardian ad litem appointed by a court to protect the best interests of a minor or a disabled or elderly individual who is a victim of a crime or a delinquent act, for the sole purpose and use of the guardian ad litem in carrying out the guardian ad litem’s official function to protect the best interests of the minor or the disabled or elderly individual in a criminal or juvenile delinquency court proceeding as permitted under 42 C.F.R. § 164.512(c); OR

(13) TO A THREAT ASSESSMENT TEAM ESTABLISHED BY A COUNTY BOARD OF EDUCATION UNDER § 7–125 OF THE EDUCATION ARTICLE, SUBJECT TO THE ADDITIONAL LIMITATIONS UNDER § 4–307 OF THIS SUBTITLE FOR DISCLOSURE OF A MEDICAL RECORD DEVELOPED PRIMARILY IN CONNECTION WITH THE PROVISION OF MENTAL HEALTH SERVICES.

(c) When a disclosure is sought under this section:

(1) A written request for disclosure or written confirmation by the health care provider of an oral request that justifies the need for disclosure shall be inserted in the medical record of the patient or recipient; and
Documentation of the disclosure shall be inserted in the medical record of the patient or recipient.

(1) In this section the following words have the meanings indicated.

(2) “Case management” means an individualized recipient centered service designed to assist a recipient in obtaining effective mental health services through the assessing, planning, coordinating, and monitoring of services on behalf of the recipient.

(3) “Core service agency” has the meaning stated in § 7.5-101 of this article.

(4) “Director” means the Director of the Behavioral Health Administration or the designee of the Director.

(5) “Mental health director” means the health care professional who performs the functions of a clinical director or the designee of that person in a health care, detention, or correctional facility.

(6) (i) “Personal note” means information that is:

1. The work product and personal property of a mental health provider; and

2. Except as provided in subsection (d)(3) of this section, not discoverable or admissible as evidence in any criminal, civil, or administrative action.

(ii) Except as provided in subsection (d)(2) of this section, a medical record does not include a personal note of a mental health care provider, if the mental health care provider:

1. Keeps the personal note in the mental health care provider’s sole possession for the provider’s own personal use;

2. Maintains the personal note separate from the recipient’s medical records; and

3. Does not disclose the personal note to any other person except:

A. The mental health provider’s supervising health care provider that maintains the confidentiality of the personal note;

B. A consulting health care provider that maintains the
confidentiality of the personal note; or

C. An attorney of the health care provider that maintains the confidentiality of the personal note.

(iii) “Personal note” does not include information concerning the patient’s diagnosis, treatment plan, symptoms, prognosis, or progress notes.

(b) The disclosure of a medical record developed in connection with the provision of mental health services shall be governed by the provisions of this section in addition to the other provisions of this subtitle.

(c) When a medical record developed in connection with the provision of mental health services is disclosed without the authorization of a person in interest, only the information in the record relevant to the purpose for which disclosure is sought may be released.

(k) (1) A health care provider shall disclose a medical record without the authorization of a person in interest:

(v) In accordance with a subpoena for medical records on specific recipients:

2. To grand juries, prosecution agencies, and law enforcement agencies under the supervision of prosecution agencies for the sole purposes of investigation and prosecution of a provider for theft and fraud, related offenses, obstruction of justice, perjury, unlawful distribution of controlled substances, and of any criminal assault, neglect, patient abuse or sexual offense committed by the provider against a recipient, provided that the prosecution or law enforcement agency shall:

A. Have written procedures which shall be developed in consultation with the Director to maintain the medical records in a secure manner so as to protect the confidentiality of the records; and

B. In a criminal proceeding against a provider, to the maximum extent possible, remove and protect recipient identifying information from the medical records used in the proceeding; [or]

(vi) In the event of the death of a recipient, to the office of the medical examiner as authorized under § 5–309 or § 10–713 of this article; OR

(VII) TO A THREAT ASSESSMENT TEAM ESTABLISHED BY A COUNTY BOARD OF EDUCATION UNDER § 7–125 OF THE EDUCATION ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.
HOUSE BILL 1807

E1
8lr4043
CF SB 1250

By: Delegates Sydnor and Carozza
Introduced and read first time: March 5, 2018
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 Criminal Law – Threat of Mass Violence and Deadly Weapons on Public School Property

4 FOR the purpose of altering a certain prohibition relating to threatening to commit a
certain crime of violence so as to prohibit a person from knowingly threatening to
commit or threatening to cause to be committed a certain crime of violence that
would place a certain number of people at substantial risk of death or serious
physical injury if the threat were carried out; prohibiting a person from knowingly
threatening to commit or threatening to cause to be committed a certain crime of
violence that would place a certain number of minors at substantial risk of death or
serious physical injury if the threat were carried out; altering certain penalties
relating to carrying and possessing a firearm on public school property; repealing
certain prohibitions against wearing, carrying, or transporting a handgun in a
certain manner while on public school property in the State; repealing certain
defined terms; and generally relating to threats of mass violence and deadly weapons
on public school property.

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Law
19 Section 3–1001, 4–102, and 4–203
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2017 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 Article – Criminal Law


EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(a) [(1) In this section the following words have the meanings indicated.

(2) “Dwelling” has the meaning stated in § 6–201 of this article.

(3) “Public place” has the meaning stated in § 10–201 of this article.

(4) “Storehouse” has the meaning stated in § 6–201 of this article.

(b) This section applies to a threat made by oral or written communication or electronic mail, as defined in § 3–805(a) of this title.

[(c)] (B) A person may not knowingly threaten to commit or threaten to cause to be committed a crime of violence, as defined in § 14–101 of this article, that would place [others] FIVE OR MORE PEOPLE at substantial risk of death or serious physical injury, as defined in § 3–201 of this title, [if as a result of the threat, regardless of whether the threat is carried out, five or more people are:

(1) placed in reasonable fear that the crime will be committed;

(2) evacuated from a dwelling, storehouse, or public place;

(3) required to move to a designated area within a dwelling, storehouse, or public place; or

(4) required to remain in a designated safe area within a dwelling, storehouse, or public place] IF THE THREAT WERE CARRIED OUT.

(C) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT OR THREATEN TO CAUSE TO BE COMMITTED A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THIS ARTICLE, THAT WOULD PLACE FIVE OR MORE MINORS AT SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, AS DEFINED IN § 3–201 OF THIS TITLE, IF THE THREAT WERE CARRIED OUT.

(d) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of the misdemeanor of making a threat of mass violence and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding $10,000 or both.

(2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE MISDEMEANOR OF MAKING A THREAT OF MASS VIOLENCE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING $10,000 OR BOTH.

(3) In addition to the penalties provided in paragraph (1) OR (2) of this subsection, a court shall order a person convicted under this section to reimburse the
appropriate unit of federal, State, or local government or other person for ANY expenses and losses incurred in responding to the unlawful threat unless the court states on the record the reasons why reimbursement would be inappropriate.

(e) A person who violates this section may be indicted, prosecuted, tried, and convicted in any county where:

(1) the threat was received;

(2) the threat was made; or

(3) the consequences of the threat occurred.

4–102.

(a) This section does not apply to:

(1) a law enforcement officer in the regular course of the officer's duty;

(2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

(3) a person hired by a county board of education specifically for the purpose of guarding public school property;

(4) a person engaged in organized shooting activity for educational purposes; or

(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

(b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who
(2) A person who is convicted of carrying or possessing a [handgun] FIREARM in violation of this section [shall be sentenced under Subtitle 2 of this title] IS GUILTY OF A MISDEMEANOR AND ON CONVICTIO IN IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING $1,000 OR BOTH.

4–203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State; OR

(iii) [violate item (i) or (ii) of this paragraph while on public school property in the State; or

(iv)] violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person’s official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;
(v) a sheriff or full–time assistant or deputy sheriff of the State; or

(vi) a temporary or part–time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5–307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or
the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding [3] 5 years or a fine of not less than $250 and not exceeding $2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3) (i) If the person has previously been convicted once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) The court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

(4) (i) If the person has previously been convicted more than once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. [A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or
B.] if the person violates subsection [(a)(1)(iv)] (A)(1)(III) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) The court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.
March 9, 2018

In this issue:

- Education Trust Fund Bills
- School Safety Funding
- Kirwan Commission Bill Hearings
- Knott Commission Bill Hearing
- Employee Relations Bills
- Bill Report & Hearing Schedule

Governor’s Education Trust Fund Bill & School Safety Bill

The Governor announced on February 14 that he would introduce “The Commitment to Education Act of 2018” in order to: “increase education spending by more than $4.4 billion over the next decade by phasing in casino revenues from the Education Trust Fund over the next four years. The legislation also dedicates the first 20 percent of these revenues to school construction starting immediately, which will add an additional $1 billion over the decade.”

The Governor announced on February 28 that he would be introducing emergency legislation to provide $125 Million for school safety enhancements, plus $50 million in annual grants. In addition, the legislation would create statewide standards for school safety planning.

On March 7, The Governor introduced these two major pieces of legislation: the Commitment to Education Act and the Safe Schools Act of 2018.

The Commitment to Education Act (HB 1815/SB 1258) is the Governor’s proposal to phase in the conversion of the $500M Education Trust Fund into supplemental funding for school system operating and capital costs.

- The legislation would begin to mandate shifts of Education Trust Fund revenues in FY 2020 to fund school safety capital cost grants ($125M), a safe schools fund to fund planning and programs ($50M), and direct aid to local school systems ($25M).
- In FY 2021, the additional direct aid number grows significantly ($150M), and in addition to the safe schools grants ($50M) the bill would start to provide PAYGO funding for school construction ($100M).
- By FY 2023, safe schools grants would remain at $50M, and PAYGO for school construction would remain at $100M, but direct aid to school systems would increase to $350M.
- Provide that the percentages of the Education Trust Fund which shall be used to supplement, not supplant, funding for programs and formulas established under the Education Article will increase from 40% in FY 2020 to 100% in FY 2023 and thereafter.

The Safe Schools Act (HB 1816/SB 1257) would establish the Safe Schools Fund, which would provide grants to local boards for the implementation of approved emergency safety plans and other safety
improvements. This is the operating cost grant fund designated to receive the $50M annually from the Commitment to Education Act. In addition, the Safe Schools Act would:

- Add members to the governing board of the Maryland Center for School Safety.
- Increase the mandated appropriation for the Center from $500K to $3M.
- Require each board to employ a designated security administrator, certified by the Safety Center, and responsible for ensuring the safety and security of students, faculty, staff, and visitors on school property and at school-sponsored events.
- Require school resource officers to be certified by the Maryland Police Training and Standards Commission using a curriculum developed by the Safety Center.
- Require local boards to prepare school emergency plans for review, comment, and suggested amendments by the Safety Center; and requiring State Board of Education approval, amendment, or rejection of the plans.
- Require the State Board to adopt regulations governing contents of school emergency plans and the process for safety assessments of schools.
- Require that threat assessment teams be formed to provide guidance to students, parents and staff and implement local board policies, in accordance with state regulations adopted by the State Board.
- Provide that local board records pertaining to school emergency plans and safety assessments are not subject to inspection under the Public Information Act.

In addition, the Governor announced that he was submitting a supplemental budget request to the legislature to provide $5 million to enhance safety in Maryland’s public schools to enable the Maryland Center for School Safety to hire analysts and social media trackers, allocate staff in more regions of the state, and assist schools with conducting the mandated safety assessments. The proposal includes $2.5 million in additional funding for the Center for School Safety, and $2.5 million for local school systems to conduct mandatory safety assessments.

"Lock Box" Education Trust Fund Bill Heard

On March 8, the Appropriations Committee hearing was held on House Bill 1697, entitled "Education - Commercial Gaming Revenues - Constitutional Amendment." House Bill 1697 and Senate Bill 1122 have been introduced to propose an amendment to the Maryland State Constitution to convert the Education Trust Fund as a repository of gaming revenue which may be supplanted, into a source of supplemental education funding which must be included in the Governor’s annual state budgets in excess of what is otherwise mandated by school funding formulas.

The bill includes the following Constitutional Amendment language:

"Requires the Governor to include in the annual State budget, as supplemental funding for prekindergarten through grade 12 in public schools, the revenues from video lottery operation licenses and any other commercial gaming dedicated to public education in an amount above the level of State funding for education in public schools in fiscal year 2020 in the following amounts: $125 million in fiscal year 2021; $250 million in fiscal year 2022; $375 million in fiscal year 2023; and 100% of commercial gaming revenues dedicated to public education in fiscal year 2024 and each fiscal year thereafter."

The supplemental funding to be provided by this legislation and Constitutional Amendment may be used to:

- Ensure access to public education that allows children in the state to compete in the global economy of the future;
- Provide funding for high-quality early childhood education programs;
• Provide opportunities for public school students to participate in career and technical education programs that lead to an identified job skill or certificate;
• Allow students to obtain college credit and degrees while in high school at no cost to the students;
• Support the advancement and professionalization of educators in public schools; and
• Maintain, renovate, or construct public schools.

MABE supports this legislation toward the goal of securing meaningful increases in State funding for public schools in the first time since before the great recession. The supplemental funding provided from gaming revenue would contribute to the State’s ability to launch efforts to fully fund and implement of many of the recommendations being developed and costed out by the Kirwan Commission. Read more ...

Kirwan Commission Bill Hearings Held

On March 7, MABE joined other education advocates in supporting the passage of House Bill 1415 and Senate Bill 1092, the legislation to implement several recommendations of the Kirwan Commission on Innovation and Excellence in Education. MABE’s former president Joy Schaefer, who represents MABE on the Kirwan Commission, delivered testimony in support of the legislation on the same day in both the House Ways and Means Committee and Senate Education, Health and Environmental Affairs Committee.

As a precursor to the Kirwan Commission’s final report and comprehensive reforms and enhancements to Maryland’s public school finance system, this bill would establish a comprehensive teacher recruitment and outreach program; a K-8 literacy grant program; a learning in extended academic programs grant program; and career and technology education innovation grant program. In addition, the bill would ensure funding for current prekindergarten grant programs and the teaching fellows for Maryland scholarship program.

Much more detailed information on the work ahead for the Kirwan Commission to develop final recommendations is provided in its Preliminary Report.

Knott Commission Bill Heard

On March 8, the hearing was held in the House Appropriations Committee on House Bill 1783, the 21st Century School Facilities Act. MABE spoke in favor of the bill overall and emphasized that we look forward to participating in the workgroup of delegates and senators which was announced at the hearing to craft amendments to address school system concerns.

The bill does include the vast majority of the 36 recommendations in the Knott Commission’s final report. However, it also includes components not directly tied to Commission recommendations, and these are the source of MABE’s strongest concerns with the bill. MABE’s written testimony highlights several of these concerns.

Negotiating Union Access to New Employees

MABE offered testimony in opposition to House Bill 811, which would create a new mandatory subject of bargaining by requiring school systems to negotiate the time, place and manner of providing the unions with access to new employee processing when new employees are advised of employment-related matters. This subject of bargaining is newly proposed because of a pending Supreme Court case that threatens all unions’ ability to collect dues, or representative fees, from non-members. In anticipation of such a blow to the automatic, system-wide scope of employee generated revenue, teachers unions are promoting legislation to secure structured access to new employees to promote union membership.
The House Ways and Means Committee is considering amendments to remove the access to personal email addresses and dates of birth, and removing the provision which would allow for the negotiation of local agreements to release even more information than outlined in the bill. MABE will continue to advocate for additional amendments to improve the bill as it moves forward. Read more...

**MABE Bill Tracking Report & Testimony**

During the 2018 session, as bills are introduced and hearings are scheduled, MABE provides a regularly updated hearing schedule, bill tracking report, and all bill testimony.

### Hearing Schedule Highlights

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<td>Ways and Means Hearing 3/13 at 1:00 p.m.</td>
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<td>HB1605</td>
<td>Task Force on Maryland Student Transportation Safety</td>
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<tr>
<td>SB1016</td>
<td>State Employee and Retiree Health and Welfare Benefits Program - Expansion of Participating Units</td>
<td>Finance Hearing 3/15 at 1:00 p.m.</td>
<td>Oppose</td>
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<tr>
<td>SB1145</td>
<td>County Boards of Education - Leasing of School Property</td>
<td>Budget and Taxation Hearing 3/15 at 1:00 p.m.</td>
<td>Oppose</td>
</tr>
<tr>
<td>SB0477</td>
<td>Public Information Act - Required Denials - Physical Addresses, E-Mail Addresses, and Telephone Numbers</td>
<td>Health and Government Operations Hearing 3/21 at 1:00 p.m.</td>
<td>Support</td>
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<tr>
<td>SB0161</td>
<td>Public Schools - Students With Sickle Cell Disease - Guidelines</td>
<td>Ways and Means Hearing 3/22 at 1:00 p.m.</td>
<td>Support w/ Amendments</td>
</tr>
<tr>
<td>SB0043</td>
<td>High School Diploma by Examination - Eligibility Requirements - Exemption</td>
<td>Ways and Means Hearing 3/22 at 1:00 p.m.</td>
<td>Support</td>
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The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, supports House Bill 1697.

House Bill 1697 would propose an amendment to the Maryland State Constitution to convert the Education Trust Fund as a repository of gaming revenue which may be supplanted, into a source of supplemental education funding which must be included in the Governor's annual state budgets in excess of what is otherwise mandated by school funding formulas. MABE supports this bill because it would ensure that gaming revenue in the Education Trust Fund contributes to real progress towards a world class public school system throughout Maryland.

The bill includes the following Constitutional Amendment language:

"Requires the Governor to include in the annual State budget, as supplemental funding for prekindergarten through grade 12 in public schools, the revenues from video lottery operation licenses and any other commercial gaming dedicated to public education in an amount above the level of State funding for education in public schools in fiscal year 2020 in the following amounts: $125 million in fiscal year 2021; $250 million in fiscal year 2022; $375 million in fiscal year 2023; and 100% of commercial gaming revenues dedicated to public education in fiscal year 2024 and each fiscal year thereafter."

The supplemental funding to be provided by this legislation and Constitutional Amendment may be used to:

- Ensure access for all students to a world class public education that prepares them to compete in the global economy of today and the future;
- Provide funding to expand access to high-quality early childhood education programs;
- Provide greater opportunities for students to participate in career and technical education programs that lead to an identified job skill or certificate and successful careers;
- Allow students to obtain college credit and degrees while in high school at no cost to the students;
- Support the advancement and professionalization of the teaching profession in public schools; and
- Ensure high quality school facilities and learning environments for all students.

Again, MABE strongly supports this legislation as essential to the goal of securing meaningful increases in State funding for public schools for the first time since before the great recession. Clearly, supplemental funding provided from gaming revenue would contribute to the State's ability to launch efforts to fully fund and implement many of the recommendations being developed and costed-out by the Kirwan Commission on Innovation and Excellence in Education.

For these reasons, MABE urges a favorable report on House Bill 1697.
The Maryland Association of Boards of Education (MABE) supports House Bill 1783 because it would implement many of the recommendations of the 21st Century School Facilities Commission, which has been chaired by Martin Knott and is therefore known as the Knott Commission.

In 2016, the Speaker of the House and President of the Senate established the 21st Century School Facilities Commission, which has been chaired by Martin Knott, and is therefore known as the Knott Commission. The Knott Commission was formed to: review existing educational specifications; identify best practices and efficiencies from the construction industry; identify a long-term plan for jurisdictions with growing or declining enrollment; identify innovative financing mechanisms including public-private partnerships and alternatives to general obligation debt; and evaluate the appropriate role for state agencies in the school construction process.

MABE was represented on the Knott Commission by our past president and Somerset County board member, Ret. Brig. General Warner Sumpter. MABE greatly appreciates Gen. Sumpter’s representation and the leadership of Mr. Knott and participation of the other members of the Commission in crafting a set of recommendations for reforms to Maryland’s public school construction program.

Maryland has an outstanding public school construction program; one that was led by only two directors since its inception in the mid-1970s, and one which has achieved a remarkable degree of equity and excellence across the diverse landscape of Maryland’s local school systems. And yet, continuous improvement must be promoted and pursued in order to incorporate new best practices and optimize what are always limited, and therefore inadequate, state and local resources. MABE supported the formation of the Knott Commission for this reason; to provide a forum for the exploration and adoption of recommendations for ways to improve an already strong statewide program.

The Commission engaged in lengthy briefings and deliberations over the course of 2 years on a wide array of proposals for reforms. The bill reflects this, and yet, likely for the same reason includes provisions that are not squarely within the bounds of the recommendations adopted by the Commission. In this context, MABE supports the overall thrust of the bill and offers several specific amendments.

One example is the provision of the bill dealing with the alternative financing of school facility projects and properties through public private partnerships. The section refers to governmental entities including “county revenue authorities” which may hold title to public schools in alternative finance arrangements under Section 4-126 of the Education Article. MABE is aware of this concept appearing in other legislation, not endorsed by the Commission, but it does not appear in the Commission’s report or recommendations.
Therefore, MABE requests amendments to remove references in the proposed amendments to Section 4-114 of the Education Article to counties or county revenue authorities holding title to school facility properties. Similarly, in Section 4-126, the bill introduces amendments to redefine public private partnerships for purposes of design-construct-operate-maintain-finance projects as being controlled by county governments. MABE requests amendments to remove reference to counties, and county revenue authorities, as entities with which school systems would contract. To be clear, MABE fully supports the ongoing pursuit of ways for school systems to utilize public private partnerships to build high quality schools that promptly meet local needs while generating the necessary stream of revenue for private partners.

By contrast, the bill includes many provisions which MABE strongly supports. The bill would:

- Remove the burden of automatically designating each school as an emergency shelter, and the resulting and often unwarranted costs;
- Clarify the state’s endorsement of the use of intergovernmental, bundling, and bulk purchasing;
- Enhance the role of the Interagency Committee on School Construction (IAC) as a source of technical assistance to local school systems; and
- Promote and financially incentivize net-zero school facilities.

However, the bill’s proposal to incentivize the use of prototypes schools raises questions about the intended outcomes regarding school cost and quality. Many, if not most, school systems have utilized prototype school designs to reduce cost and staff workload in developing new designs for similar facilities. However, all of these decisions have been made by local school systems and not under the imposition of state regulations. Therefore MABE requests an amendment to remove this section of the bill; by striking the amendments to Section 5-309 of the Education Article.

MABE also appreciates the bill’s requirement that on or before July 1, 2018, the IAC shall adopt educational facilities sufficiency standards and a Maryland School Facility Index. MABE knows that a high priority for the Commission was to establish a system for gathering and compiling current information on the quality of all public schools to help ensure the equitable allocation of available state resources. MABE agree to lend support for these efforts though data already collected by the Association.

However, in Section 5-310 the bill includes provisions that appear to micromanage the detail of updating the facility maintenance data. MABE has serious concerns about mandating that each local school system annually update a comprehensive assessment of all school facilities. Also in Section 5-310, the bill would mandate that all local school system preventative maintenance schedules must be reviewed and approved by the IAC. MABE is not aware of any Commission recommendation aligned with this bill provision, and urges the removal of 5-310(h)(2)(ii) and (h)(3).

Under Section 5-314, the bill would impose a new requirement that educational specifications become subject to the review and approval of MSDE and the IAC. MABE opposes this provision under Section 5-314(b). MABE believed, by contrast, that the Commission had agreed to develop a system of certifying delegated authority to local school systems to operate under less, not more, state-level oversight. This process is outlined in the bill, and is wholly supported by MABE.
Importantly, MABE strongly supports the bill provision stating the “intent of the General Assembly that, as soon as practicable and within the current debt affordability guidelines, the State should provide at least $400 million each year for public school construction.” And MABE supports other provisions of the bill, such as the creation of the School Construction Technical and Innovative Assistance Office to assist local school systems with alternative financing and of the aspects of the school construction process.

Lastly, the bill would require the IAC to study several issues, including whether to reduce or eliminate State support for systemic renovations to focus available resources on major construction projects. MABE urges the removal of this provision, or in the alternative modify it to refer to the option of increasing the state investment or mandating commensurate local government investments in such projects. The prospect of losing the provision of state funding for systemics is alarming, and unwarranted, given the significant and beneficial role these projects play in ensuring a healthy school environment conducive to learning for so many Maryland students.

MABE greatly appreciates the work of the Knott Commission and the forum for thoughtful deliberations on meaningful reforms to Maryland’s public school construction program. For MABE and Maryland’s 24 local school boards, the mission to provide all of Maryland’s students with high performing school facilities conducive to learning is a top priority. The Maryland Constitution requires that the State provide a “thorough and efficient” system of public education; and MABE believes that this includes the duty to equitably provide safe, high quality school facilities in which all students can learn.

For these reasons, MABE requests a favorable report on House Bill 1783, with the amendments described above.