

PS/ED COMMITTEE #1
July 19, 2018

MEMORANDUM

July 17, 2018

TO: Public Safety and Education Committees

FROM: Susan J. Farag, Legislative Analyst *SJF*
Craig Howard, Senior Legislative Analyst *CH*

SUBJECT: **Maryland Safe to Learn Act of 2018**

PURPOSE: Briefing on the Maryland Safe to Learn Act of 2018, and its impact on Montgomery County. No action necessary.

Today the Public Safety and Education Committees will be briefed on the recently-enacted State law that mandates certain state-wide standards and guidelines for school safety. The law also requires every public high school to have either a School Resource Officer (SRO) or adequate local law enforcement coverage for the 2018-2019 school year. This mandate is expanded to all public schools for the 2019-2020 school year.

Those expected to brief the Joint Committee today include:

Sheriff Darren Popkin, Office of the Sheriff

Dr. Andy Zuckerman, Chief Operating Officer, Montgomery County Public Schools (MCPS)

Assistant Chief Laura Lanham, Montgomery County Police Department (MCPD)

Commander Paul Liquorie, Second District Commander, MCPD

Captain Elizabeth Hattenburg, Director of Community Engagement Division (includes SROs) (MCPD)

Background

The Maryland General Assembly passed SB1265 during the 2018 Legislative Session, and Governor Larry Hogan has signed it into law (Chapter 30 of 2018¹). The law covers a broad spectrum of school safety issues that impact both local public school systems and local law enforcement. It provides for data collection and reporting requirements, as well as one-time and ongoing funding to implement different elements of the law's mandates.

The following summarizes the main elements of the law:

State Entities: The law moves the Maryland Center for School Safety (MCSS) from the State Police to the Maryland State Department of Education (MSDE). The law also changes the

¹ http://mgaleg.maryland.gov/2018RS/Chapters_noln/CH_30_sb1265e.pdf

Governing Board of MCSS to be the School Safety Subcabinet. The law creates a School Safety Subcabinet Advisory Board.

School Resource Officers: MCSS must develop a specialized training curriculum and model training program for SROs. Local law enforcement agencies must enroll their SROs either in the new training program or in a local training program that has been approved by the Maryland Police Training and Standards Commission. All SROs must complete training by September 1, 2019.

MCSS must collect specified data on SROs and develop guidelines that help local law enforcement agencies determine the appropriate number of SROs. By July 1, 2019, each local school system must develop a plan in consultation with local law enforcement to implement the guidelines and submit its plan to MCSS for review and comment.

Beginning this school year, each local school system must file a report with MCSS that demonstrates (1) that each public high school has an SRO assigned to the school or (2) if no SRO is assigned to a public high school, that adequate local law enforcement coverage will be provided to the school. For school year 2019-2020, each local school system must report that every public school has either an SRO or adequate local law enforcement coverage.

School Safety Emergency Plans: Each school system must perform a safety evaluation of each school to identify physical or other safety concerns. These evaluations will be provided to MCSS. In turn, the Maryland State Department of Education will use these evaluations to update the Emergency Planning Guidelines for Local School Systems by December 1, 2019.

Beginning July 1, 2020, each local school system must update its school emergency plan annually.

School Assessment Teams: By September 1, 2018, the School Safety Subcabinet must develop a policy regarding assessment teams in each local school system. The policy should address the identification of students or other individuals who may pose a threat to the school, the composition and number of assessment teams in the school system, and training for these teams. Local school systems must use this policy to develop their own assessment team policies by September 1, 2019.

School Safety Drills: Current State regulations already require local school systems to perform safety drills, including fire drills, several weather drills, and different types of emergency drills such as shelter-in-place and evacuation. The new law authorizes MSDE, in consultation with the subcabinet, to adopt regulations to incorporate developmentally and age-appropriate components of the Active Shooter Preparedness Program developed by the federal Department of Homeland Security, or guidelines developed by the Maryland Active Assailant Work Group into the annual schedule of school safety drills.

Local school systems must collaborate with local law enforcement agencies to establish policies for responding to an emergency at each public school.

Mental Health Services: By September 1, 2018, each local school system must appoint a mental health services coordinator. This coordinator will ensure that a student who is referred for mental health services obtains those services. The coordinator will also maximize external funding for mental health services. The coordinator will develop plans for mental health service delivery to students who have behaviors of concern.

School Safety Funding: The new law provides for both on-time funding and permanent funding to enhance school safety.

One-time funding includes:

- \$2.5 million in safety assessment grants (administered by MCSS);
- \$10 million school safety grants (administered by MSDE);
- \$10 million grants for safety-related operating and capital projects (administered by the Maryland Interagency Committee on School Construction);
- \$10 million in school safety improvement grants provided through the State's capital budget.

Permanent Funding includes:

- \$10 million in State FY2019 and annually thereafter for SROs and other local law enforcement strategies to provide adequate school coverage; and
- \$2.5 million for 13 new positions at MSCC.

Current SRO deployment

The SRO program, which includes not only MCPD officers, but also officers from the City of Rockville Police Department, City of Gaithersburg Police Department, and the Office of the Sheriff, currently has 27 officers and deputies assigned to each County public high school. These officers are also responsible for assisting with any issues within their respective middle schools. SROs are grouped by police district, and a deployment chart is included on ©16-17. Most high schools have one SRO. The Blair Ewing Center has two.

The Council approved FY19 funding for three new SRO positions in the winter candidate class. These positions are to be deployed to middle schools. MCPD advises that the positions will be ready for deployment during the 2019-2020 school year, although they likely will be deployed in mid-school year (January 2020) due to the recruit class and field training schedules.

Current collaboration among MCPD, MCPS, and other stakeholders

MCPD and MCPS have had a long-standing relationship to jointly provide safety and security to the schools. The governing document for this partnership is the most recent Memorandum of Understanding (MOU), attached at © 7-21. The MOU was updated in October of 2017. This MOU defines the specific duties and responsibilities of SROs, principals, school security staff, and other stakeholders.

MCPD and MCPS are also participating in several workgroups to develop a plan that ensures MCPD and MCPS are in compliance with the requirements of the new State law.

Discussion Issues

- 1) The State is providing several funding opportunities (through grants) to help implement various aspects of the law's local mandates. However, there does not seem to be any available State funding for the mental health services mandates. Does MCPS have the staffing and infrastructure in place to meet the law's requirements?
- 2) One ongoing concern has been the lack of a definition of "adequate local law enforcement coverage." MCPD advises that the State sub-committee is still working on the details of how local police can provide adequate coverage. At this time, MCPD does not anticipate needing an SRO at each school. When will MCPD/MCPS determine coverage for elementary and middle schools?
- 3) If more SROs are needed, is there capacity to assign additional Deputy Sheriffs and/or local municipal police?
- 4) Do any of the law's timelines present compliance challenges?
- 5) Are there any identified needs that require additional funding? If so, please explain.

This packet contains

MCPD responses to questions	© 1-6
SRO MOU among MCPS, MCPD, Sheriff's Office, and other entities	7-21
Maryland Association of Boards of Education Safe to Learn Act of 2018 summary	22-26

F:\Farag\Packets\Public Safety\School Safety 2018.docx

Public Safety Questions for School Safety Briefing

1. Please briefly explain the current partnership you have with MCPS regarding school safety (SRO MOU, principal meetings, etc.).

MCPD has a long- standing working relationship with MCPS. The primary focus of the School Resource Officer (SRO) Program is to enhance the safety and security of the learning environment for students, staff, and the school community within Montgomery County.

The law enforcement agencies in Montgomery County, MCPS and SAO entered into an MOU, (updated in October of 2017) for the purpose of establishing and improving the SRO Program. The MOU defines specific duties and responsibilities, and establishes a working protocol for exchanging information and addressing matters of concern cooperatively with the goal of maintaining and enhancing a safe and secure learning environment for students, staff, and the MCPS school community.

District Command Staff, MCPS principals (especially at the high school level) and MCPS central staff have established relationships and are in communication about any concerns. Additionally, SROs regularly participate in meetings with school security, MCPS administrative staff, and principals. SROs are called upon to assist with many issues effecting school safety to include mental health evaluations of students, mediation, arrest/charging of students when necessary, mentoring, as well as providing added security at school related events.

Currently, the police department is participating in several work groups in partnership with MCPS executives and school safety staff with the goal of developing a plan to ensure MCPD and MCPS are within the guidelines set forth in the recently passed MD State Safe School Act.

MCPD radio communications in MCPS buildings have been identified as an area for improvement. During the summer break, several SRO's will work with MCPS security personnel to conduct radio testing in all MCPS schools. This will encompass walking through each school and identifying any communication deficiencies. If a "dead spot" is located, it will be documented on a checklist and notification will be made to the MCPD radio shop. The complete list of problematic areas and the associated school will help identify future locations for repeater placement throughout the county, therefore reducing communication deficiencies during an emergency response.

2. The bill creates, under the new Maryland Center for School Safety, a **School Safety Subcabinet Advisory Board** (§7-1504 Education Article), and specifies certain members, including:

- An SRO, appointed by the Maryland Association of SROs;
- A Sheriff, appointed by the MD Sheriff's Association;

- A Chief of Police, appointed by the MD Chiefs of Police Association;
- An EMS, Fire, or Rescue Services professional, appointed by MIEMSS.

Has this been done yet, and if so, is there any Montgomery County representation?

Per the Executive Director for the Maryland Center for School Safety, Mr. Edward Clarke, each association and MIEMSS were responsible for identifying those individuals who they wanted to represent their association/organization on the School Safety Subcabinet Advisory Board. The subcabinet have been selected, though none are from Montgomery County. The information regarding members was provided by Mr. Clarke.

Members:

- *The Chair of the Advisory Board: Anne Arundel County Public Schools Superintendent Dr. George Arlotto.*
- *An SRO, appointed by the Maryland Association of SROs: Jon Carrier, Anne Arundel County Police SRO*
- *A Sheriff, appointed by the MD Sheriff's Association: Sheriff Doug Mullendore, (Washington County Sheriff), President of MD Sheriffs' Association*
- *A Chief of Police, appointed by the MD Chiefs of Police Association: Chief Gary Gardner (Howard County Chief), President of MD Chiefs of Police Association*
- *An EMS, Fire, or Rescue Services professional, appointed by MIEMSS: RN Laurel Moody*

3. Are there other opportunities for County input into the development of this statewide program? If so, please explain.

Captain Elizabeth Hattenburg and Sgt. Daniel Helton of the MCPD Community Engagement Division attended multiple meetings in Annapolis to discuss school safety. Chief Manger met with Mr. Clarke to discuss thoughts and concerns with elements of the School Safety Bill and the development of the statewide program. Chief Manger also attended a briefing with statewide Police Chiefs and Sheriffs regarding the MD Center for School Safety and the Maryland Safe Schools Bill. The police department continues to participate in statewide forums and teleconferences, regarding SROs, and implementation of the new legislation.

4. The Center for School Safety must develop a training curriculum for SROs before September 1, 2018. Have you had any input into this?

Sgt. Helton and Captain Hattenburg attended a curriculum development round table discussion in Annapolis to help develop the SRO requirements. The curriculum has been sent to the sub-committee in Annapolis for final approval. Additionally, an

electronic survey was sent to representatives of police departments and school systems throughout the State seeking input on training curriculum topics.

5. The bill requires that the SRO training curriculum includes the following:

**DE-ESCALATION;
DISABILITY AWARENESS;
MAINTAINING A POSITIVE SCHOOL CLIMATE;
CONSTRUCTIVE INTERACTIONS WITH STUDENTS; AND
IMPLICIT BIAS AND DISABILITY AND DIVERSITY AWARENESS WITH
SPECIFIC ATTENTION TO RACIAL AND ETHNIC DISPARITIES.**

Does our current SRO training cover these concepts?

Yes, SRO's will be trained in the mandated concepts as required. The Safe to Learn Act requires a training curriculum be developed and submitted to MPTSC for approval by September of 2018. MCPD already trains all sworn personnel in many of the topics required by the bill during the department's mandatory in-service training. Elements more specific to SRO's and required by the bill will also be covered during the "National Association of School Resource Officers" (NASRO) 40-hour training seminar being hosted by the MCPD and attended by all MCPD SROs in July of 2018.

6. It appears that school security employees will be required to take the same SRO training. Will that be provided by MCPD?

As of this writing, MCPD has not been approached by MCPS to provide school security employees the required training. However, MCPD is committed to working in partnership with MCPS to ensure the training needs are met, if requested. This past school year, MCPD did provide CRASE (Civilian Response to Active Shooter Events) training during MCPS's school security training day.

7. The bill requires schools to develop age and developmentally-appropriate safety drills, like active shooter drills. I know MCPS has safety drills in effect. If they change, will MCPD be involved in developing new safety drills?

New MCPS protocols for response to emergencies is being addressed by the joint MCPD/MCPS working group. One of the new protocols being discussed is broadening MCPS training and response to include additional and appropriate options beyond the current protocol of lockdown and shelter in place. Meeting the needs of age specific and developmentally challenged students has been a major part of the work group's discussions and will be incorporated into the new protocols for active shooter drills.

8. MCPD and the Sheriff's Office engage in many community outreach activities. Do they currently engage in direct outreach to parents and students to provide information

on school safety? If so, through what types of forums (i.e., in schools, or as part of community-wide meetings, or both?), and how often?

MCSO and MCPD executives as well as community outreach staff and SROs routinely participate in community meetings and school related discussions. These meetings/discussions include groups led and attended by parents, teachers, students, and community members. These discussions take place both during and after school hours and are generally held monthly.

After the shooting that occurred in Parkland, Florida, each high school held a safety meeting sponsored by the local PTA. Police district commanders or their representatives attended most of these meetings. Additionally, SROs and District Command Staff created a new initiative titled 'Chillin with the Chief'. During this program, Chief Manger visited different schools and had an open discussion/town hall presentation with the student body.

9. What types of more formal, educational interactions do SROs have with students (e.g. educating kids on gang awareness, drinking and driving, opioid dangers, pedestrian/traffic safety, etc.)?

- *Regarding topics such as social media, marijuana, electronic cigarettes, opioid use, and gangs, - d SROs attend periodic training concerning topics that are in the schools and presented the information to the student body and/or school staff.*
- *Practice restorative justice/mediate disputes between parents and staff (school bus incident), parents and school (disciplinary hearing), between students (bullying issues), between parents and students.*
- *SROs assist with the school cluster meetings and any issues that may be occurring within the cluster schools (i.e. E-cigarettes, gangs, bullying, etc).*
- *Truancy Prevention Program with the State's Attorney's Office.*
- *Some SROs have specialized knowledge and conduct presentations or assist in teaching classes in their specific area of expertise. An example of this is an officer that assists with teaching the physics class at Watkins Mill HS.*
- *SROs assist during law classes with 4th/5th Amendment discussions, laws of arrest and what to do and expect if stopped by the police.*
- *SROs attend Principal and MCPS cluster security meetings concerning various topics to provide additional knowledge and training on topics that regularly affect the school environment (ie. trespass, peace order and other criminal/civil matters)*
- *The "Speak Up, Save-a-Life" forum addressing opioid use and the "Good Samaritan Law" program is presented in conjunction with the State's Attorney's Office and has been attended by more than 20,000 students.*

10. Crisis intervention training (CIT) has been in focus recently. Are all SROs provided this training? If not, is there a plan in place to do so?

The majority of SROs are CIT trained and the few who are not will be taking the mandatory Mental Health First Aid course this year. This mental health first aid training meets our "One Mind" Pledge, which is a pledge MCPD took to train 100% of sworn officers in either mental health first aid or CIT which will create awareness and understanding of mental health concerns.

11. Could you please provide updated 2017-2018 SRO encounter data, including use of force incidents, arrests, charged on paper, and citations.

Use of Force Incidents – 9

Encounter Data:

Arrests – 60

Charged on Paper/Closed by Exception – 232

Citation - 213

12. Has the definition of "adequate local law enforcement coverage" been determined yet?

The definition of "adequate local law enforcement coverage" has not been defined as of this writing. MCPD representatives met with the State sub-committee on this issue in May. The State sub-committee is still working on the details to assist police departments in having a better understanding of how the State will define "adequate coverage". The legislative intent is to allow each jurisdiction's law enforcement and school system leadership to define adequate law enforcement coverage after a discussion centered on local needs, expectations, resources and abilities.

13. If the state requires an SRO in every school, is it possible to get additional SROs from the Sheriff and municipal police departments? Has this been discussed yet?

Currently, MCSO (Magruder High School), Gaithersburg City (Gaithersburg HS), and Rockville City Police (Rockville HS) provide an SRO to the program. Discussions reference the SRO program and participation from municipalities and the MC Sheriff's Office occur regularly, but at this point there is no indication there will be a requirement for an SRO to be assigned to every school.

14. If the state requires an SRO in every school by 2019-2020, that will require approximately 180 new SROs. New police officer candidate positions in the training academy cost approximately \$158,093 (FY19), which could require over \$25 million in new County expenditures. Although there is some access to state grant funding, most

of this will largely be the County's obligation. It seems unrealistic to deploy the required SROs in the given time frame. What is a more realistic timeframe for hiring and deploying such a large number of SROs?

At this point there is no indication there will be a requirement for an SRO to be assigned to every school.

15. The FY19 Approved Operating Budget includes funding for three new SROs in the winter class. These are to be assigned to middle schools. Would these positions be ready for deployment in school year 2019-2020?

Yes, the schedule of the FY19 winter training class will allow the positions to be ready for deployment in the 2019-2020 school year. The recruit class and field training schedule means that officers will likely be deployed in January 2020.

16. Are there any anticipated changes to the current SRO MOU agreement, for the upcoming school year? If so, please explain.

None that have been discussed so far. The current MOU was updated in October of 2017. If there is an identified need the MOU will be updated as appropriate.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
MONTGOMERY COUNTY PUBLIC SCHOOLS
AND
MONTGOMERY COUNTY DEPARTMENT OF POLICE
AND
MONTGOMERY COUNTY SHERIFF'S OFFICE
AND
ROCKVILLE CITY POLICE DEPARTMENT
AND
GAITHERSBURG CITY POLICE DEPARTMENT
AND
TAKOMA PARK POLICE DEPARTMENT
AND
MONTGOMERY COUNTY STATE'S ATTORNEY'S OFFICE**

**School Resource Officer Program &
Other Law Enforcement Responses to School-Based Incidents**

A. MISSION

The above law enforcement agencies, Montgomery County Public Schools (MCPS), and the Montgomery County State's Attorney's Office (SAO) enter into this Memorandum of Understanding for the purpose of establishing and improving the School Resource Officer Program, defining specific duties and responsibilities, and establishing a working protocol for exchanging information and addressing matters of concern cooperatively with the goal of maintaining and enhancing a safe and secure learning environment for students, staff, and the MCPS school community within Montgomery County, Maryland. The parties agree that:

- The vast majority of student misconduct is best addressed through classroom and in-school strategies that maintain a positive learning environment and afford students opportunities to learn from their mistakes, correct any harm that results from their behavior, and restore relationships that are disrupted by their conduct.
- The parties will work together to promote safe, inclusive, and positive learning environments and exercise discretion and judgment in responding to MCPS school-based incidents.

B. DELINEATION OF DUTIES

I. Involved Law Enforcement Agencies Duties and Responsibilities

School Resource Officer:

A School Resource Officer (SRO) is a sworn uniformed law enforcement officer trained in emergency preparedness, crisis management, community policing concepts, and

problem solving who is assigned to work as a liaison to MCPS.

Duties:

- The SROs will assist school staff in enhancing safety within their assigned schools and serve as a liaison between his/her agency and MCPS officials for school and police-related concerns and incidents.
- The SROs will assist in calls for service at their assigned schools and incidents occurring around their schools when they are available to respond. The responding SRO and/or the appropriate police department's unit having follow-up responsibility will investigate these calls for service at the direction of the patrol supervisor(s) in a way that, to the greatest extent possible, minimizes disruption to the school day and classroom instruction.
- The SROs will meet regularly with parents, teachers, principals, other school administrators, and students to discuss issues of concern.
- The SROs will act as a resource and assist with emergency preparedness, to include participating in lock-down, shelter in place, and evacuation drills, as well as safety awareness education to the high school population age groups.
- The SROs will serve as a point of contact to deliver law enforcement programs such as crime prevention, conflict resolution and mediation, drug and alcohol awareness, anti-bullying, violence prevention, gang awareness, and community relations and outreach.
- The SROs will maintain contact with beat officers who patrol the area around their schools for the purpose of sharing information and generating discussions pertaining to community concerns.
- The SROs will maintain contact with members of their agency's gang units in order to stay informed regarding current gang trends, share information, coordinate interventions, and support gang investigations.
- When possible, SROs, in coordination with school administrative staff, will provide training and presentations about law enforcement or school-related topics useful for students, staff, school administrators, school security, parents and other law enforcement agency personnel to aid efforts to enhance the safety of the school environment.
- SROs will assist with traffic safety and enforcement activities in and around their assigned school areas.
- When needed, the SROs will coordinate assistance at major school events such as athletic events, large dances, or other activities.

- SROs will coordinate familiarization training (“walkthroughs”), to include review of the schools’ emergency response plan/procedures, for responding officers within their district. These walkthrough trainings will be coordinated with school administration.
- SROs will provide advance notice to and obtain approval from the principal or the principal’s designee prior to conducting any “ride-along” visits on school premises, including with parents or community members. SROs will ensure that visitors respect student privacy and minimize disruption to the school day and classroom instruction.
- SROs will inform the principal or the principal’s designee of their duty schedule on a weekly basis, including, whenever possible, any obligations that require them to leave school premises.
- SROs will not be used to enforce MCPS policies, rules, regulations, and/or procedures.
- The SROs will have no special law enforcement emphasis while performing their duties and responsibilities. While on MCPS property, the SROs have full authority as sworn police officers. All enforcement actions will be taken in accordance with appropriate Federal, State, County and Local laws, and involved law enforcement agency policies and procedures. MCPS and the appropriate school staff will be notified of any actions taken in accordance with normal practice and any appropriate agreements between the involved law enforcement agencies and MCPS.
- SROs will acknowledge the authority of the principal, as the administrator of the school, at all times as to matters within the scope of his/her authority.

SRO Supervisors:

Each involved law enforcement agency will appoint a designated supervisor for its respective SROs. An SRO roster, including supervisor(s), shall be provided to MCPS on an annual basis, preferably before the start of each school calendar year, or as needed if personnel should change. This list should include current contact information; i.e., work cell/office telephone numbers and an e-mail address for each SRO and supervisor.

The Montgomery County Police Department Patrol Services Bureau (PSB) Lieutenant and Sergeant will coordinate training within the SRO Program, attend meetings with MCPS principals and/or administrators, and act as the point of contact for the Montgomery County Police Department (MCPD) and MCPS to assist with resolving any conflicts or matters of concern.

The MCPD PSB Lieutenant and/or PSB Sergeant will be notified by a MCPD officer's supervisor of any incidents involving any use of force on school property, and notify the MCPD PSB Chief.

Principals also should meet on a quarterly basis with their district commander to provide feedback on their SROs.

II. Montgomery County Public Schools (MCPS) – Duties and Responsibilities

MCPS Security Personnel:

A Security Team Leader (STL) is assigned to the high school to assist the school administration in maintaining a safe and secure learning atmosphere for staff and students. Major job responsibilities include supervision and leadership of the security team and investigation of incidents on school property. Under supervision of the principal or designee, the STL assists in controlling access to buildings and grounds by unauthorized persons and in assuring that students report to their assigned instructional areas.

Duties of the STL:

- Investigates incidents on school property and prepares a written report for administrative purposes.
- Advises the principal on all school security-related matters.
- Maintains a high profile to discourage disruptive acts.
- Provides surveillance of suspected problem areas.
- Provides day-to-day supervision and leadership of the security assistant(s) and provides guidance and assistance to them in the more difficult situations.
- Assists the administration with staff and student awareness programs.
- Acts as a liaison between the school administration and emergency service agencies.
- Represents the school in criminal cases.
- Assists feeder schools with security problems
- Communicates, under the direction of the principal, with the school SRO about safety issues. Whenever practicable, the STL shall consult with the principal or a principal's designee to determine whether a school-based incident necessitates a call for service to an SRO or other law enforcement officer as dictated by this MOU.

A Security Assistant (SA) is assigned to the local school to assist the school administration in maintaining a safe and secure learning environment for the school community. Under the general supervision of the STL, the SA assists in screening visitor access to school facilities, maintains student class attendance and carries out other responsibilities related to school security operations. The SA receives guidance and assistance from the STL on the more difficult or unusual situations.

Duties of the SA:

- Patrols school buildings and grounds to prevent loitering and to ensure compliance with school regulations and local laws.
- Checks parking areas and entrances to school.
- Queries visitors on the school premises and assures that such persons report to the school office or leave the buildings or grounds.
- Reports unusual incidents and observations to the STL or appropriate school or law enforcement personnel in accordance with procedures established by principals.
- Checks hallways, restrooms, cafeterias, and remote areas of the facility.
- Investigates incidents on school property and prepares written reports for administrative purposes.
- Confers with students regarding improper behavior and attempts to obtain voluntary compliance with school standards.
- Reports to the STL or principal/designee regarding building conditions or practices which interfere with maintenance of building security or the welfare and safety of students.

MCPS Principals/Senior Administrators:

The principal is responsible for administering and supervising the total school program, including the safety and security for students and staff and providing educational leadership for the students and staff consistent with the educational goals of the community.

In the event that a student misbehaves, the principal or his/her designee will be the primary source of administrative disciplinary consequences and interventions. The MCPS *Code of Conduct* provides detailed information on administrative disciplinary consequences and interventions and shall guide the school-based responses to particular types of misbehavior.

Whenever possible, the SRO and other law enforcement agencies will work with the principal when responding to school-based incidents involving students, and will work

together with MCPS staff to de-escalate those incidents. Principals or their designees will make every effort to notify the SRO and/or any other law enforcement officer who responds to a school-based incident if any student involved is a student with disabilities, limited English proficiency, or other special needs and therefore may require special treatment and accommodation in addressing the incident at issue.

C. **SELECTION PROCESS FOR SROs**

SRO positions will be formally announced by involved law enforcement agencies. The selection process will include the submission of a memorandum of interest from officer(s), review of personnel files, and a formal interview that includes the participation of an MCPS high school principal and the MCPS Director of School Safety and Security or his/her designee.

D. **TRAINING**

Officers who are selected to join the program will be required to attend and successfully complete 40 hours of training provided by MCPD within three months of being selected. Training should be specific to the following areas: role of the SRO, review of the current SRO MOU, SRO's specific agency's policies/procedures involving juvenile arrests/investigations, legal updates, review of the MCPS *Code of Conduct* and applicable security policies, emergency preparedness and responses to critical incidents (criminal, weather, national disasters), threat assessment training, mediation and conflict resolution, childhood and adolescent development, alcohol/drug awareness, gang awareness, truancy, child abuse and neglect, and county/community-based supports and outreach resources. MCPD and MCPS will work together each year to assess the current level of training and new proposals. MCPS will provide additional specialty training that the parties agree is in the best interest of the SRO program.

SRO Biannual Training During the School Year

On a biannual basis, the SROs, MCPS administrators, and/or MCPS security staff will participate in joint training opportunities on matters that are the subject of this MOU, current trends or issues within the school communities, and other topics of mutual interest.

This training will be conducted by the MCPD PSB Administrative Lieutenant, PSB Administrative Sergeant, MCPS representatives, and involved agencies. Ongoing training on the topics included in the initial 40 hours of training will be conducted as appropriate.

SROs will maintain familiarity with, and be respectful of, the current version of the MCPS *Code of Conduct* and the Montgomery County Board of Education's policies, rules, regulations, and procedures regarding student discipline and other school norms.

E. MEETINGS

Annual Meetings

On an annual basis (preferably the first meeting should be held before the start of the school year), MCPD PSB and participating agency supervisors will meet with MCPS leadership and community stakeholders to discuss current matters of mutual interest, including MOU implementation issues and joint training opportunities.

School-Based Meetings

It is highly recommended that SROs be invited to school administrative and security meetings within their assigned schools, and they should be encouraged to attend.

Monthly Data Review

On a monthly basis, the MCPS Department of School Safety and Security shall consult with the PSB Lieutenant to review data on SRO reports of arrests and other interventions during the prior month. At the earliest opportunity, the parties will address and debrief specific cases of interest with the intent to enhance the quality of the program.

F. SCHOOL ASSIGNMENT CRITERIA

Although these are guidelines, every situation should be considered under the totality of the circumstances. At a minimum, the final decisions should be made between the MCPD Chief of Patrol Services Bureau and a designated senior MCPS administrator. The following criteria should be considered during this decision process: school enrollment, calls for service, anticipated number of after-school events both sponsored by the school and/or parents, and traffic challenges (e.g., urban location and number of egress and ingress options).

G. ON-SITE ACCOMMODATIONS FOR SROs

It is recommended that the SROs be provided a designated space/office with access to a telephone and a computer at their assigned school locations.

H. INFORMATION SHARING AND INVESTIGATIONS

The sharing of appropriate and timely information between the law enforcement agencies and MCPS is critical to the mission of maintaining and enhancing a safe and secure learning environment. Within the context of the SRO Program, the sharing of information will follow the protocols below between the law enforcement agencies and MCPS in accordance with applicable federal, state, and local laws.

- 1. Reporting Critical Incidents Involving Students or Others on School Property.**
The parties agree that the offenses set forth in Sections H(1)(a) and H(1)(b), termed "critical incidents," that occur on MCPS property (e.g., school buses, MCPS sponsored

event including extra-curricular activities) shall be reported to the appropriate law enforcement agency by the principal, administrator-in-charge, or designee as soon as practicable so that the agency can determine the appropriate law enforcement response in accordance with the procedures in Section H(2) below. Such notification must be made by direct communication with the SRO, if immediately available, or to the Public Safety Communications Center (911) or 301-279-8000, with the exception of rape and/or sexual assault, which shall be reported directly to the Special Victims Investigations Division of the Montgomery County Police Department (240-773-5400). Voice mail messages to the SRO will not suffice and must be followed with a call to 911.

a. **Critical Incidents Where Police Shall Take the Lead in Investigating.** The appropriate law enforcement agency shall take the lead in investigating the following critical incidents, in accordance with the procedures in Section H(2).

- Death
- Rape and/or sexual assault with another by force or threat of force¹
- Arson (willful and maliciously set fire) or verbal or written threat of arson
- Manufacture or possession of a destructive device (explosive, incendiary, or toxic material combined with a delivery or detonating apparatus or modified to do so)
- Knowingly make false reports about the location or detonation of a destructive device
- Robbery/attempted robbery (taking property of another from his person or in his presence by force, reasonable fear of violence, or intimidation whether the perpetrator is armed or unarmed)
- Hate crime (harassing² a person or damaging property of a person because of his race, color, religious beliefs, sexual orientation,³ or national origin)
- Possession of a firearm, knowingly brought onto or brandished upon school property, or knowingly brandishing or using any other dangerous or deadly weapon, including any device designed or manipulated to shoot any projectile, to cause harm
- Distribution or manufacture of a controlled dangerous substance

¹ Meaning engaging in a sexual act or sexual contact, without consent, by force or threat of force, and/or employing or displaying a dangerous weapon or object reasonably believed to be a weapon (sexual offense in the first, second, or third degree). Note that these sexual offenses, as well as child abuse and neglect more generally, are subject to a separate Memorandum of Understanding as well as other MCPS policies and regulations.

² Harassment is defined as a persistent pattern of conduct intended to alarm or seriously annoy another, without a legal purpose, after receiving reasonable warning or request to stop.

³ Sexual orientation means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender-related identity.

- Gang⁴ related incident/crime
- b. **Critical Incidents Where Police May Take the Lead in Investigating Depending on the Circumstances.** After reporting the following critical incidents to the appropriate law enforcement agency, the principal or designee shall consult with the SRO or other law enforcement officers responding to the incident to determine who should take the lead in investigating depending on the totality of the circumstances; provided, however, that the law enforcement agency shall take the lead in investigating, in accordance with the procedures in Section H(2) below, in any case in which: (i) there is evidence that the alleged perpetrator is not a student; and/or (ii) there is a serious and imminent threat to the safety of the school and its community. As circumstances warrant, those on the scene may consult with MCPS staff in the Office of School Support and Improvement (OSSI) and the Department of School Safety and Security, supervisors in the Police Department, the Special Victims Investigations Division, and/or the State's Attorney's office. (If the law enforcement agency does not take the lead in the initial investigation, that determination does not preclude subsequent law enforcement action.)
- Physical attack on another that requires medical attention outside of the school health room
 - Theft (any single incident or series of incidents committed by the same perpetrator where the value of the stolen property is \$500 or more)
 - Possession of a potentially dangerous or deadly weapon on school property that is not knowingly brandished or used to cause harm⁵
 - Possession of, and/or possession with intent to distribute, a controlled dangerous substance (whether or not law enforcement takes the lead in the investigation, MCPS staff shall turn over to the appropriate law enforcement agency any substance that comes into their possession that they suspect to be a controlled substance)
- c. **Releasing Student Information.** Notwithstanding any other provision of this agreement, the parties shall fully comply with the Family Educational Rights and Privacy Act (FERPA) and all other applicable state or federal laws regarding the confidentiality of student information, as well as MCPS Regulation JOA-RA, *Student Records*. Information obtained by school staff may be shared with a law enforcement officer/agency or SAO as long as the information is not derived from

⁴ A formal or informal ongoing organization, association, or group of three or more persons who: (a) have a history of criminal street gang activity; (b) have a common name or common identifying signs, colors, or symbols; and (c) have members or associates who, individually or collectively, engage in or have engaged in a pattern of criminal activity.

⁵ A butter knife is not a dangerous or deadly weapon. See *In re Melanie H.*, 120 Md. App. 158 (1999).

school records.⁶ For example, information received orally from a student may be shared, even if later recorded in a written statement used by school staff for disciplinary purposes. Information from school records can be shared under any one of the following circumstances:

- “Directory information” unless the parent/guardian has asked specifically that such information be kept confidential
- With consent of the parent/guardian or adult student
- In response to a subpoena, including a subpoena from the SAO⁷
- In a specific situation that presents imminent danger to students or members of the community or that requires an immediate need for information in order to avert or diffuse serious threats to the safety or health of a student or other individual

2. Investigation of Critical Incidents Occurring on School Property

MCPS shall immediately notify the appropriate law enforcement agency of all critical incidents as described in both Sections H(1)(a) and H(1)(b) of this agreement. The agency will respond promptly to such incidents or will keep the school staff advised of any delay in the response of officers.

For those critical incidents in which the law enforcement agency is taking the lead in the investigation, MCPS will limit its administrative investigation of the critical incident to ascertaining basic facts and doing what is necessary to stabilize the situation until a law enforcement officer arrives, absent exigent circumstances. For such critical incidents, MCPS will defer taking written statements from students and/or witnesses, thereby permitting the law enforcement agency the opportunity to do so. In addition, MCPS shall consult with the appropriate law enforcement agency to determine whether it is appropriate to notify the school community and the timeline for so doing.

If requested by MCPS for purposes of conducting its own disciplinary processes within the timeframes mandated by state law, the law enforcement agency shall provide copies of written student and witness statements to MCPS within one day of the critical incident, with the approval of the SAO, which shall make the determination after consultation with the law enforcement agency. The law enforcement agency will assist MCPS with its administrative procedures by providing the relevant information requested (including a synopsis of relevant facts) in order that statutory and administrative deadlines may be met and by providing witness statements in any closed investigations and as otherwise authorized by the SAO.

⁶ School records are those records identifiable to an individual student, governed by FERPA.

⁷ Release of documents from a student record requires that the school first make reasonable efforts to notify the parent/guardian or adult student of receipt of the subpoena in advance of complying with the subpoena so the parent/guardian may seek protective action, unless the issuing authority has ordered that the existence or contents of the subpoena not be disclosed.

The principal or his/her designee shall be present during any interview conducted by the law enforcement agency on school property and may interview the individual after the officer has concluded his/her interview. Students should be questioned by the appropriate law enforcement agency, when necessary, in a manner and at a time that is age-appropriate, minimizes disruption to the school day and classroom instruction, and is consistent with all applicable laws and regulations. When questioning of students by law enforcement officers occurs on school property, MCPS staff will strive to promptly contact the student's parent/guardian to inform them of the nature of the incident, unless the investigation involves suspected child abuse or neglect.

In the event that the law enforcement agency has not arrived and school dismissal is about to occur, MCPS will notify the law enforcement agency, and MCPS may conduct an administrative investigation, including taking student and witness statements. The law enforcement agency understands that MCPS does not have the authority to arrest individuals or hold them for the law enforcement agency.

3. Arrests and Other Law Enforcement Actions.

Absent an immediate public safety need to stop an illegal activity, effect an arrest, and/or seize evidence, SROs and other law enforcement officers will collaborate with the principal or his/her designee prior to a law enforcement action to assess the totality of the circumstances and applicable agreements/legal guidelines, and address the matter in a manner that is the best interest of the student and the welfare of the school community. If circumstances do not allow for consultation prior to a law enforcement action, the parties will come together as soon as possible thereafter to address the matter. Every opportunity should be made to debrief especially critical incidents at the appropriate time to identify lessons learned.

Circumstances to consider under the totality of circumstances regarding law enforcement action include:

- Absence or presence of perceived intent
- Whether the matter is solely administrative in nature or involves a criminal nexus⁸
- Input from the SAO on appropriate charges, if any, in instances of ambiguity and/or exceptional circumstances not clearly addressed by the criminal code
- Whether or not the offender was coerced and/or threatened to participate in the inappropriate behavior. (i.e. gang coercion, threat of retaliation, etc.)
- Which least proposed action (physical arrest, paper arrest, citation, suspension, mediation, counseling, etc.) will achieve the desired goal of correcting behavior

⁸ Section 26-101(a) of the Maryland Education Code, which makes it a misdemeanor to "willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of [a school]," requires a disturbance that significantly interferes with school operations; it does not apply to minimal or routine disruption, such as "[a] child who speaks disrespectfully or out of turn, who refuses to sit down or pay attention when told to do so, who gets into an argument with another student, who throws a rolled-up napkin across the room, who comes to class late, or even who violates the local dress code in some way." *In re Jason W.*, 378 Md. 596 (2003).

- while being accountable to all stakeholders within the school community
- Administrative and/or delinquent history of the offender
- The student's age
- Cultural or linguistic factors, as well as any student disability or other special needs, that may provide context to understand student behavior
- Other mitigating circumstances

When an arrest of a student or adult on school premises and/or during the school hours is necessary, it shall be done in such a manner as to avoid both embarrassment to the student being arrested and jeopardizing the safety and welfare of other students. In addition, every effort shall be made by school officials to inform the parent or guardians immediately. After an arrest of a student is made on school premises, law enforcement officers shall not engage in further questioning and remove the student from the school premises as soon as practicable, except in circumstances that pose a serious and immediate threat to school safety.

4. Notification of State's Attorney's Office

The MCPS Department of School Safety and Security will make reasonable efforts to notify the SAO when it receives notice that a student has been arrested by the law enforcement agency and charged with one of the offenses listed under Section H(1)(a) above as critical incidents where the police shall take the lead in investigating, in order for the SAO to obtain the information necessary to present the State's case at a detention hearing or other judicial proceeding which generally will be held within the next business day following the student arrest.

When legally permissible, the SAO shall advise MCPS of whether the student was or was not prosecuted for a school-based incident.

6. Serious Incidents in the Community

In addition to the required notification of reportable offenses committed by students in the community, the law enforcement agency will notify MCPS as soon as practicable of any serious incident involving MCPS schools, facilities, students, or staff that the law enforcement agency reasonably believes will impact MCPS operations in order for appropriate measures to be taken by MCPS to address the impact. Examples include:

- Death of a student or staff member
- Child abuse or neglect, including sexual offenses
- Serious or life-threatening injury to a student or staff member
- Hostage-barricade, criminal suspect at large, or hazardous materials incident that may affect students and/or staff
- Gang related incident/crime
- After-hours property damage to an MCPS facility, school, bus, or other vehicle

During normal business hours, the law enforcement agency will provide notice to the MCPS Department of School Safety and Security at 301-279-3066. At all other times, the

law enforcement agency will notify the Electronic Detection Section, the MCPS 24-hour communication center, at 301-279-3232.

I. COLLABORATION, MONITORING, AND REVIEW OF THE SRO PROGRAM

School administrators and officials of the law enforcement agencies are encouraged to periodically meet at the school community level to establish and foster good working relations between the agencies.

In order to monitor specific trends in and around the high school communities, the MCPD Patrol Services Bureau will maintain and share with the other parties to this Agreement disaggregated statistical data through monthly SRO reports and crime analysis.

The SAO will provide MCPD and MCPS with regular summary reports on pending charges and adjudications by the juvenile justice system.

The signatory agencies agree that this MOU and its implementation will be reviewed by the parties annually in order to determine if any inadequacies exist and further agree to revise the MOU as may be appropriate, upon the agreement of the parties, in order to further the safety and welfare of the school community. Furthermore, the signatory agencies will meet annually thereafter to review the provisions contained within this MOU as well as the implementation of it. Amendments, with the agreement of each agency, may be made from time to time, as desirable.

The MCPS Department of School Safety and Security, MCPD PSB, and the appropriate principal will promptly discuss any complaints regarding the actions of any signatory of the agreement within the bounds of collective bargaining agreements and applicable confidentiality laws/procedures if such a conference is necessary to maintain operational efficiency and a professional work environment.

J. GANG AWARENESS AND PREVENTION

In addition to the gang awareness activities specified elsewhere in the MOU, pursuant to the Maryland Safe Schools Act of 2010, the parties will collaborate to develop and implement gang awareness, prevention, and intervention programs for MCPS students and their families with a focus on outreach to at-risk MCPS students.

The SAO and law enforcement agencies also will assist MCPS in developing ongoing training on gang awareness for MCPS staff. The parties further agree to meet regularly to address current trends in gang activity; and MCPS will convene regular school security meetings for the middle schools and high schools to ensure the coordination of gang prevention, intervention, and suppression efforts.

K. NON-DISCRIMINATION AND OTHER GENERAL PROVISIONS

The parties agree that no person shall be subjected to discrimination on the basis of actual or perceived personal characteristics, including race, ethnicity, color, ancestry, national origin,

religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations in the performance of the parties' respective duties, responsibilities, and obligations under this agreement.

Each party is an independent contractor with the others for all purposes. None of the provisions of this Agreement are intended for the benefit of any third party, and no such third party shall have the right to enforce the provisions of this Agreement.

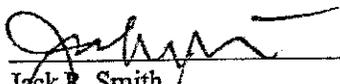
L. DESIRED OUTCOMES

- Enhanced safe and secure learning environments for students, staff, and the school community within Montgomery County, Maryland.
- MCPS and the law enforcement agencies have an effective emergency preparedness plan and response in the event of an emergency, disaster, crisis, or dangerous situation.
- Increased efficiency of communication between local law enforcement agencies, other government agencies, and MCPS in an emergency, disaster, crisis, or dangerous situation.
- Enhanced relationships and communications among the involved law enforcement agencies, MCPS, administrators, staff, students, parents, and community stakeholders.

This MOU replaces the original COPS in School Grant MOU between MCPD and MCPS (dated 05-16-02); the MOU between MCPS, MCPD, Montgomery County SAO, Gaithersburg City PD, Rockville City PD, and Takoma Park PD (dated 06-04-10); the MOU between MCPS, MCPD, SAO, and other law enforcement agencies (dated 07-23-13); and the revised MOU between MCPS, MCPD, SAO, and other law enforcement agencies (dated 06-17-15).

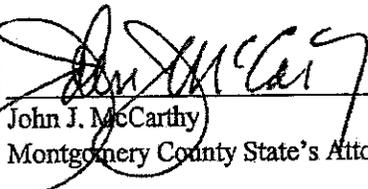
In witness, thereof, the parties have executed this memorandum of understanding on this 17th day of October 2017.

APPROVED



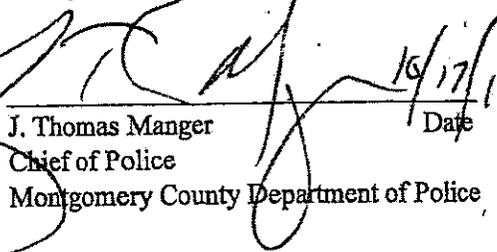
Jack R. Smith
Superintendent of Schools
Montgomery County Public Schools

10/17/17
Date



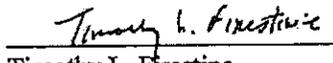
John J. McCarthy
Montgomery County State's Attorney

10/17/17
Date



J. Thomas Manger
Chief of Police
Montgomery County Department of Police

10/17/17
Date



Timothy L. Firestine
Chief Administrative Officer
Montgomery County, Maryland

10/17/17
Date

Darren M. Popkin 10/17/17 Bob Rappoport 10/17/17
Darren M. Popkin Date Bob Rappoport Date
Sheriff Acting Chief of Police
Montgomery County Sheriff's Office Rockville City Police Department

Mark P. Sroka 10-17-17 Dan Frishkorn 10/17/17
Mark P. Sroka Date Dan Frishkorn Date
Chief of Police Acting Chief of Police
Gaithersburg City Police Department Takoma Park Police Department

The Safe to Learn Act of 2018

In the final week of the 2018 legislation session, a more than 40-page piece of legislation was drafted, amended, and ultimately enacted as the Maryland Safe to Learn Act of 2018 (Senate Bill 1265, Chapter 30). This new law restructures the governance system for overseeing school safety policies and grants, calls for staffing guidelines regarding adequate law enforcement coverage at all schools, and calls for an expanded role of local school systems in coordinating students' mental health services.

Safety and security in public schools is extremely important to MABE and local boards of education for the protection of students and staff. Safety and security is also necessary to environments that are conducive to teaching and learning. Therefore, MABE fully supported the primary objective of this legislation to ensure that school systems and schools throughout the State are adopting and implementing high safety and security standards and programs.

Initially, Senate Bill 1265, The Safe to Learn Act was one of several school safety related bills introduced. Originally, this bill simply focused on providing funding for safety-related school facility upgrades. In the last week of the 2018 session the bill was completely amended by the Senate and delivered to the House early on April 7, the Saturday morning before session ended. 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. With final passage on the last day of session, and the Governor's signature on April 10, the amended Safe to Learn Act will usher in a new era of school safety and security in Maryland's public schools.

The bill is massive in scope, and while accompanied by substantial State funding in FY 2019, it will require significantly greater investments by the State, local governments, and school systems in the years ahead. For example, significant State funding is provided for school facility related projects and local law enforcement. But, no additional State funding is provided to fulfill one of the bill's provisions, ensuring that students receive necessary mental health services.

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 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, School Safety 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.

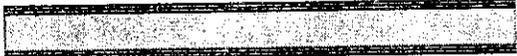
School Safety and Security Funding

The FY 2019 operating and capital budgets budget include a medley of school safety funds, including:

- \$2.5 million for 13 new positions at the Center for School Safety;
- \$2.5 million in safety assessment grants to be administered by the Center;
- \$10 million in MSDE grants for school safety;
- \$10 million in IAC grants for safety related operating and capital projects; and
- \$10 million in capital budget funding for IAC grants.

The Safe to Learn Act also mandates \$10 million in funding in FY 2020 and beyond for SROs and other local law enforcement strategies to provide adequate school coverage.

- 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 an SRO assigned to the school; and, if a public school in the local school system's jurisdiction is not assigned an SRO, 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.



The 21st Century School Facilities Act (HB 1783) creates the School Safety Grant program to provide IAC administered grants to local school systems for security improvements, including:

- Secure and lockable doors for every classroom;
- An area of safe refuge in every classroom; and
- Surveillance and other security technology for school monitoring purposes.

The Governor is required to include \$10 million in the annual operating or capital budget that may be used only to make grant awards.

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

24

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.
- Grants from the Safe Schools Fund may be used to develop plans for delivering mental health and wrap around services.
- The Kirwan Commission must include in its final report recommendations for additional mental health and wraparound services in local school systems and funding required for those services. The Kirwan Commission's report is to be finalized by December 31, 2018.

School Safety Planning & the Public Information Act

- School safety evaluations, emergency plans, and local law enforcement coverage policies are not subject to inspection under the Maryland Public Information Act, except by designated State agencies, emergency management agencies, and local law enforcement in the performance of their official duties.

Safe to Learn Act Implementation Timelines	
<p>Assessment Teams</p> <ul style="list-style-type: none"> • Sept. 1, 2018 Model Policy for Assessment Teams Adopted by Subcabinet • Sept. 1, 2019 School Systems to adopt local policy consistent with model policy <p>School Resource Officers (SROs)</p> <ul style="list-style-type: none"> • Sept. 1, 2018 SRO curriculum to be adopted by the Subcabinet and approved by the Maryland Police Training and Standards Commission • Dec. 15, 2018 Center to collect data on SROs and develop guidelines for LEAs on appropriate number of SROs and adequate law enforcement coverage • July 1, 2019 LEAs to develop plan to implement SRO guidelines and submit plan for Center review and comment • Sept. 1, 2019 SROs and other school security personnel to be trained under the new curriculum 	<p>Active Shooter Preparedness</p> <ul style="list-style-type: none"> • 2018-2019 School Year Homeland Security Active Shooter Preparedness Program incorporated in existing emergency drills <p>Safety Evaluations</p> <ul style="list-style-type: none"> • June 15, 2019 School facility safety evaluations must be completed for all schools • Dec. 1, 2019 MSDE must update Emergency Planning Guidelines • July 1, 2020 LEAs must update local emergency plans <p>Mental Health Services</p> <ul style="list-style-type: none"> • Sept. 1, 2018 LEAs must designate a Mental Health Services Coordinator

25

Looking Forward

MABE has, and will continue to, advocate for adequate and equitable funding for local public school safety programs, alternative education programs, and the wide array of mental health and public safety services provided by other public and private entities. These components are essential to maintaining safe schools and access to a quality education for all of Maryland's students.

MABE looks forward to many successful collaborations between state officials, local boards of education, local elected officials, local law enforcement, and the other interested parties. These contributions will be essential to developing and implementing the public school safety and security programs called for in the Maryland Safe to Learn Act of 2018.

Additional Resources

MABE's 2018 Legislative Session Summary

An overview of education-related budget and legislative highlights from the 2018 Session.

The 90 Day Report

The General Assembly's Department of Legislative Services (DLS) comprehensive summary of all policy and budget matters considered during the 2018 Session.

Maryland State Department of Education School Safety and Climate Resources

MSDE resources and technical assistance on a wide variety of student and school safety issues.

For more information, contact John R. Woolums, Esq., MABE's Director of Governmental Relations, at jwoolums@mabe.org or 410-841-5414.

