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January 26, 2021

VIA E-MAIL ONLY

Ms. Kate Hession
Executive Director
Maryland Center for School Safety
kate.hession1@maryland.gov

Re: The Safe to Learn Act of 2018 Requirements for SROs and Adequate Coverage for Maryland's K-12 Public Schools.

Dear Director Hession:

Beginning with the passage of the Safe to Learn Act of 2018 (STLA)(Md. Code, Educ. Art. §7-1501 *et seq.*), and through the debates surrounding law enforcement reform in general, and the role of law enforcement in the educational environment, questions have been raised regarding the requirements of the STLA, training required for School Resource Officers (SROs), and the phrase “adequate coverage” used within the STLA. As we have discussed, I write to provide advice on these issues in one central location so that you may disseminate the information as needed to assist with incoming questions and concerns from stakeholders. Specifically, MCSS has been called upon to answer the following:

1. Does the STLA require the placement of an SRO in every school?
2. Does the STLA set a uniform standard for what constitutes “adequate coverage?”

Explained in greater detail below, the answer to both questions is no.

The STLA was the product of multiple pieces of legislation introduced after the tragic school shooting at Marjorie Stoneman Douglass High School in Parkland, Florida on February 14, 2018. In response to that incident, Governor Hogan also issued Executive Order 01.01.2018.08 on February 28, 2018 authorizing the Active Assailant Interdisciplinary Work Group (AAIWG) as a public body and charging the workgroup, along with State agencies and critical infrastructure sectors to undertake appropriate work in prevention, preparedness and emergency response to active assailant incidents. As the 2018 session of the Maryland General Assembly progressed, St. Mary's County Public

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Schools experienced its own tragic school shooting as an act of domestic violence between students unfolded on school grounds.

Advocates with differing perspectives debated with lawmakers whether the STLA should include a provision mandating the placement of an SRO in every public school in Maryland. It was explained that SROs were not newly hired officers, but rather seasoned law enforcement professionals. Representatives of the Maryland Chiefs & Sheriffs Association candidly explained that staffing shortfalls in law enforcement departments statewide made placement of an SRO in every school an unobtainable goal in the foreseeable future. The discussion also included the training required for SROs presently and what should be required moving forward. The role of non-law enforcement school safety personnel also factored in to the overall language of the STLA, which ultimately included the following provisions:

- Providing a statutory definition or creating roles and duties for the following terms: school resource officer (§7-1501(j)), school security employee (§7-1501(k)), school safety coordinator (§7-1508(a)), and mental health services coordinator (§7-1511(b));
- Establishes as a part of the definition of an SRO that the officer serves the school system pursuant to a Memorandum of Understanding (MOU);
- Required the creation of a State-level model behavioral threat assessment policy to be used as the basis for school-system level policies and creation of behavioral threat assessment teams within each local school system to be comprised of “individuals with expertise in student counseling, education instruction, school administration, and law enforcement,” (§7-1507);
- Mandate for standardized training for all SROs and school security employees (SSE) serving Maryland’s K-12 public schools approved by the Maryland Police Training and Standards Commission;
- State-level guidelines promulgated by the MCSS on SRO/adequate coverage for use by local school systems in coordination with local law enforcement agencies to determine how to best serve each individual community with respect to assignment of SROs or patrol officers required to ensure “adequate coverage” for each public school statewide;
- Data collection regarding the number of SROs assigned to serve Maryland’s local school systems, and plans for adequate coverage where an SRO is not assigned.

The STLA specified that SROs and SSEs must be trained in the model curriculum required by the Act. While officers fulfilling an “adequate coverage” role are not required to take the course, they are free to participate in the program. The STLA mandated training for SROs and SSEs on the following topics:

- 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.

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- The approved curriculum offered by MCSS spans forty (40) hours of instruction, broken out into the following segments which focuses on the four roles that an SRO fulfills within the educational environment (law enforcement officer, emergency manager, informal counselor, educator):
- Addressing Indicators of Concern (Trauma-Informed Interventions)
- Behavioral Threat Assessment Teams
- Collaboration with Stakeholders
- Constructive Interactions with Students
- Definition and History of SROs
- Disability and Diversity Awareness
- Drug Education Current Trends
- Getting Into the Classroom
- Hate Bias & Hate Crimes
- Implicit Bias
- Informal Counseling
- Investigations of Bullying and Social Media Use
- Maintaining a Positive School Climate
- Managing Gangs in Schools
- Maryland School Law
- Memorandum of Understanding
- Official Interactions with Juveniles
- Principles of Effective Learning
- Restorative Practices
- School Emergency Planning
- Single Officer Response to Active Threat (SORAT)
- Victimization of Youth in Schools
- Working with Administrators and School Staff
- Youth Development, Behavior, Discipline & De-Escalation

MCSS staff and subject matter experts provided this training course to close to 1,000 SROs and school security employees across the State of Maryland prior to the start of the 2019-2020 academic year. Due to the constraints for in-person instruction during the COVID-19 pandemic, MCSS shifted to a virtual learning environment to continue delivering the training program to SROs and SSEs who require it. At the request of the School Safety Subcabinet, MCSS also developed a course called “Understanding the Role of the SRO” to assist administrators and school staff with understanding the roles and responsibilities of an SRO, as well as the limitations.

Based on the MCSS’s most recent report to the Governor and General Assembly on SROs/adequate coverage for Maryland’s K-12 public schools submitted in October 2020, there are currently 328 SROs serving Maryland’s 1,418 K-12 public schools. Under the framework established by the STLA, each local school system has the flexibility to determine for itself in consultation with local law enforcement agencies, whether to assign an SRO to any schools within the local school system. There are a host of factors that the school systems and law

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enforcement may consider in figuring out an appropriate SRO/adequate coverage plan. Those factors are outlined in the “SRO/Adequate Coverage Guidelines” originally issued by MCSS in December 2018, and amended and reissued in October 2020. The SRO/Adequate Coverage Guidelines are shielded from public disclosure under the Public Information Act (Md. Code, Gen. Prov. Art. §4-314.1. The MCSS guidance also provides recommendations for positive engagement and relationship building for those law enforcement officers serving in an “adequate coverage” role who are not assigned to work daily with a particular school.

In summary, the most important areas of clarification regarding the STLA and its mandates with respect to SROs are as follows:

- The STLA does not require an SRO to be placed in every public school;
- The STLA provides local school systems with the flexibility to determine for themselves, in conjunction with local law enforcement, the appropriate SRO and/or adequate coverage to support the school community;
- An MOU governs the relationship and scope of services provided by the local law enforcement department with respect to assigned SROs within a school system, and may address any plan for adequate coverage agreed upon between the local school system and local law enforcement departments;
- The STLA requires SROs to be trained in the MCSS model curriculum; the training is not mandated for officers providing adequate coverage;
- The school systems must include individuals with expertise in law enforcement on the behavioral threat assessment team(s).

As always, if you should have any questions or require any additional clarification, please do not hesitate to contact me at (410) 404-2212, or via email at dawn.luedtke@maryland.gov.

Very truly yours,

Dawn P. Luedtke
Counsel
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