

# Agenda

**March 4, 2019**

*10:00 a.m. – 12:00 p.m.*

*Anne Arundel County Public Schools, Board Room - 2644 Riva Rd, Annapolis, MD 21401*

- Welcome of the Subcabinet – Chair, Dr. George Arlotto
  - Declaration of Quorum
  - Additions to the Agenda (If needed)
- Approval of Prior Meeting Minutes
  - February 4, 2018 - Meeting Minutes
- Maryland Center for School Safety Updates – Kate Hession/Dino Pignataro
- Advisory Board 2019 Work Plan Overview – Kate Hession
- Work Plan Topic: Definitions and Regulations – MCSS Facilitated Discussion
  - Task: Review and discuss MCSS drafted definitions of Safe to Learn Act terms and draft regulations.
  - Outcome: Finalize recommended definitions of terms used in the Safe to Learn Act 2018 to support Subcabinet regulation development.
- Closing – Dr. Arlotto
  - Next Meeting – April 8 10:00 a.m. Anne Arundel County Public Schools, Board Room, 2644 Riva Rd, Annapolis
  - Adjournment

Please be advised that the Subcabinet may move into a closed session, if needed, pursuant to Maryland Code, § 3-305 of the General Provisions Article.

## Meeting Minutes - March 4, 2019

The meeting of the Maryland School Safety Advisory Board was held on March 4, 2019 at Anne Arundel County Public Schools, Board Room at 2644 Riva Rd, Annapolis, MD 21401.

Dr. George Arlotto, the Advisory Board Chair, called the meeting to order at approximately 10:02 a.m., provided opening comments, and noted that a quorum was present.

The following Advisory Board members were in attendance:

- Chair - Dr. George Arlotto, Superintendent, Anne Arundel County Public Schools
- Sheriff Scott Adams, Cecil County Sheriff's Office (Maryland Sheriff's Association)
- Thomas Alban, Director of Risk Management, Archdiocese of Baltimore (Non-public School Representative)
- Chief Tim Altomare, Anne Arundel County Police Department (Maryland Chief of Police Association)
- Karin Bailey, Chair, St. Mary's County Board of Education (Maryland Association of Boards of Education)
- James T. Bell, Head Football Coach at Great Mills High School (Parent of a Public School Student)
- Megan Berger, Esq., Attorney (Disability Rights Maryland)
- Dr. Chanta' M. Booker, Principal, New Era Academy (School Principal)
- Jon Carrier, SRO Anne Arundel County Public Schools (President, Maryland Association of School Resource Officers)
- Eric Ebersole, Delegate (Maryland House of Delegates)
- David Engel (Director of Maryland Coordination and Analysis Center)
- Pamela Gaddy (Maryland Education Association/Baltimore Teachers Union)
- Captain Patrick D. Hoover, Career naval Officer (Deputy Program Executive officer for Defense Information System Agency)
- Lourdes Padilla, Secretary Department of Human Services (MDHS)
- Manfred Reek, Representative School Bus Drivers
- Nicholas Shockney, Special Education Administrator, Carroll County Public Schools
- Lucas Tarbell, Student, Catonsville High School (Maryland Association of Student Councils)

The following Maryland Center for School Safety (MCSS) members were in attendance:

- Kate Hession, Executive Director
- Dino Pignataro, Deputy Director
- Dawn P. O'Croinin, Assistant Attorney General
- Zachary Hands, Special Projects Assistant to the State Superintendent of Schools
- Christian Cymek, Legislative Assistant, MCSS

Other meeting attendees:

Representatives of State agencies and the Governor's Office were also in attendance.

### *Approval of Prior Meeting Minutes:*

A motion was made by Tom Alban to approve the minutes; the motion was seconded by David Engel. The motion to approve the February minutes passed unanimously.

### *Maryland Center for School Safety (MCSS) Updates:*

Executive Director Kate Hession provided an update on the previous week's House and Senate Budget hearings, as well as the February 25, 2019 Subcabinet meeting. Additionally, Director Hession discussed the hiring status for the remaining 3 positions being filled within MCSS, two of which will be starting in the coming weeks. Director Hession also noted that MCSS staff were in a week long training to become certified by MPCTC to teach the model curriculum for SROs and school security employees in the coming months. Director Hession also discussed grants from the Safe Schools Fund approved by the Subcabinet at its February meeting, as well as the final applications submitted by four local school systems (Garrett, Cecil, Queen Anne's and Frederick Counties), which were submitted by the February 28, 2019 deadline. Finally, Director Hession provided a detailed overview of the Advisory Board Work Plan, by month, for the remainder of 2019.

It is as follows:

- The April meeting will provide an overview of the Lesson Plans for 2019 School Resource Officer (SRO) training that will begin September 1.
- The May meeting will develop recommendations on notice of funding development for FY 2020 grants and look for the Advisory Board to make recommendations to the Subcabinet.
- The June meeting will focus on transportation, particularly marketing strategies to improve transportation/bus safety moving forward. Develop recommendations for 2019 notice of funding for transportation grant.
- The July meeting will develop recommendations on marketing, PSA, data reports, and program guidelines for the Tip Line.
- There will be no meeting in August.
- The September meeting will develop a list of possible data sources and needs to help identify gaps in school safety.
- The October meeting will focus on developing recommendations for MCSS 2020 training plan.

- The November meeting will provide recommendations for changes and additions to the MCSS Annual Report.
- The December meeting will be focused on drafting the 2020 Work Plan.

Chair of the Advisory Board, Dr. Arlotto asked the Advisory Board if there were any questions on the Work Plan. Additionally, Dr. Arlotto asked if there were any recommendations or thoughts on input to the Work Plan moving forward. The Advisory Board did not have any comments or concerns.

Director Hession moved to the next agenda item, which was to discuss potential regulations for MCSS. Counsel for the Center, Dawn O’Croinin explained that the Safe to Learn Act contained several terms which required definition in regulation. She explained that MCSS staff discussed potential definitions, which had been provided to the Advisory Board in advance of the meeting, so that the Advisory Board could discuss and offer comments and suggestions, which would be used to refine the proposed regulations.

Ms. O’Croinin identified the first term for discussion, “use of force,” as set forth in Md. Code Ann., Education Article §7-1508(h). This statutory provision mandates that the Center collect data on incidents of use of force between any SRO or school security employee and a student while carrying out their duties. Beginning on December 1, 2020, and annually thereafter, the Center must submit a report regarding the data collected broken out by jurisdiction to the Governor and General Assembly. The first report submitted on Dec. 1, 2020 will rely upon data collected by each local school system (LSS) for the 2019-2020 academic year.

Ms. O’Croinin read through the MCSS proposed definition as follows:

- “Use of force” means the use of physical force, with or without the use of any device or material that restricts the free movement of all or a portion of a student’s body.

- “Use of force” does not include:
  1. Briefly touching a student to calm or comfort the student;
  2. Touching a student’s hand or arm to direct or escort the student safety from one area to another;
  3. Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
  4. Intervening in a fight in accordance with Education Article §7-307, Annotated Code of Maryland.

This definition is not only applicable to SROs, but to school security employees as well.

Chair, Dr. Arlotto inquired to Ms. O’Croinin if the part listed under #3 related to school staff as well.

Ms. O’Croinin responded by informing Dr. Arlotto that it is related to school security employees and SROs and what they are required to report. Ms. O’Croinin also mentioned that we would later discuss if teachers will be included in this population.

Chief Altomare posed a question asking if there was middle ground with officers and arrests in terms of whether or not arrests are a use of force and vice versa.

Sheriff Adams responded to Chief Altomare informing him that by his understanding, use of force and arrest are not intertwined by what is used to define the terms for police. Arrests are not defined as a use of force.

Ms. O’Croinin questioned whether the body wanted to carve out an exception for arrests which did not contain a heightened use of force, as more commonly utilized by law enforcement. She stated that under subsection B, it does not include a student under arrest. Additionally, there must be a single, standardized definition throughout the State for local school systems to use when submitting the report, and the necessity of complying with the legislative intent of this statutory provision.

Delegate Ebersole mentioned that this leaves a grey area in terms of use of force and where the line is drawn. “What about if an SRO is simply moving a student out of an area? This is different than an arrest. Is this considered a use of force?”

Ms. O’Croinin responded by informing Delegate Ebersole that it depends where the force was utilized and if there was an arrest made in response to it. Ms. O’Croinin noted that there’s an existing school-based arrest report required of the local school systems.

Director Engel pointed out that reporting numbers will increase due to this because we will be taking discretion away from the school officials. Every time there is a “use of force”, it will constitute an arrest.

We have to be able to distinguish between a “use of force” and arrest when it comes to students and SROs. Ms. O’Croinin noted again that this definition and the data collection that will derive from it applies not just to SROs, but also to school security employees. School security employees do not have the authority to arrest. Ms. O’Croinin referenced the legislative intent of Del. Wilkins when she requested this provision be added to the Safe to Learn Act.

Delegate Ebersole mentioned that if a student becomes so out of control, we need to know about these instances. He pondered that perhaps Del. Wilkins wanted these instances reported to show the overall level of interaction between SROs and school security employees and measure effectiveness in performance of their duties.

Ms. O’Croinin concurred with Del. Ebersole, and noted that context in the data collection is critical to meaningful analysis. Ms. O’Croinin noted that she examined the school based arrest data collection regulations, guidance document, and file layout format to assess the detail of the data information being collected for that purpose to assist with compiling the data elements that would be useful in assessing the use of force data. Ms. O’Croinin advised that school systems are already familiar with this reporting format provided by MSDE for the annual collection. Ms. O’Croinin advised that by collecting the appropriate demographic elements, the data could be merged with other existing data elements, such as those available to the Maryland Longitudinal Data System Center, to perform meaningful policy analysis in the areas of concern.

Mr. Bell discussed that schools will see and use “force” and run with the term. People in the community will see it and perceive it differently. Schools that have more instances of use of force will be looked at differently.

Sheriff Adams said that definitions such as use of force, arrests, and reporting requirements must be the same everywhere. We cannot have one county constantly reporting a certain violation or situation and another county not reporting it.

Director Engel agreed and said that there is an issue currently involving Anne Arundel County in regards to this. Anne Arundel County has a large number of hate bias reports coming in and people think that Anne Arundel County is a terrible place when in fact, this large number of reported hate bias report indicates that the county is very progressive and being proactive.

Ms. O’Croinin posed a question to the entirety of the Advisory Board, asking if we all agree that point #3 under the “use of force” definition is too subjective. The consensus of the Board was that it indeed was. Ms. O’Croinin said that she would strike that portion of the definition.

Ms. Booker asked that if all people being instructed in the model curriculum for SROs and school security employees will receive training on these terms.

Director Hession responded to Ms. Booker’s question by confirming that once all of the terms are finalized, they will be trained on these terms.

Mr. Reek asked if the use of force report that SROs and school security employees have to complete will have a narrative or be in a checkbox format.

Ms. O’Croinin informed Mr. Reek that she was using the Montgomery County Police Department use of force reporting form to select the data elements that are commonly collected by law enforcement to populate the file layout format for the MCSS use of force data collection. Ms. O’Croinin advised that the Montgomery County form does use checkboxes on its form. Director Engel also informed Mr. Reek that there is a supplementary report with a narrative which is typically completed incident to an arrest.

Chair, Dr. Arlotto, stressed that we must have standards on arrests, when they should be carried out, when they should not. Use of force should only be classified as a use of force when it meets all criteria of a use of force. Definitions of these terms matter, as well as its context.

Ms. O’Croinin recommended that the definition clarify that arrests include custodial and non-custodial arrests. Ms. O’Croinin advised that she would revise the definition based upon the discussion of the Board.

Ms. O’Croinin proceeded to present the second term that the Advisory Board was to discuss and define, “school security employee.”

The Safe to Learn Act, Md. Code Ann., Ed. Art. §7-1501(k) states that a “school security employee” means an individual, as defined in regulations adopted by the Subcabinet, who:

1. Is not a school resource officer; and
2. Is employed by a local school system to provide safety and security-related services at a public school.

Ms. O’Croinin then informed the Advisory Board that the MCSS has formed a working definition for this term, which she read as follows:

- School security employee, as set forth in Md. Code Ann., Ed. Art. §7-1501(k) may include the following individuals who are employed by a local school system, either as a salaried or contractual employee, to provide safety and security-related services at a public school:
  1. Principal or other school administrator;
  2. School Safety Coordinator
  3. School Security Director; and
  4. Any individual designated by the administration.
- School security employee does not include:
  1. A school resource officer; or
  2. Local law enforcement providing supplemental coverage to local school systems.

Ms. Gaddy asked if this definition will allow administrators to perform these duties after school hours.

Ms. O’Croinin responded by informing Ms. Gaddy that if a teacher or other staff member was assigned to perform safety and security-related services as a regular part of their job, then they would need to complete the 40-hour training course.

Chief Altomare asked if this definition encompasses the many multiple officers that some of the school sanctioned events have present at them.

Ms. O’Croinin informed Chief Altomare that this terminology exempts law enforcement officers who are providing supplemental coverage to a local school system.

Chair, Dr. Arlotto asked if the definition could be clarified to make sure that it applied specifically to those individuals who were hired to perform those safety and security-related services as a substantial portion of their job functions, not just incidental thereto as a teacher or other staff member.

Director Hession agreed, and responded to Dr. Arlotto that any school staff member who wished to complete the 40-hour training course, but was not statutorily mandated to do so, would be able to participate.

Mr. Bell posed a question to the Advisory Board on how they would identify and train an individual that needs to get trained mid-year; such as a sports coach that doesn’t get selected until winter/spring?

Ms. O’Croinin reiterated that this definition applies to those individuals employed by the local school system, and does not apply to volunteers.

Director Hession mentioned that this is a very good point that needs to be addressed.

She mentioned that one way to address this moving forward is to develop some sort of other type of training to train these individuals who do have some responsibility to ensure student safety while managing student programs. One idea that was brought up was a video training program that would allow these individuals to get trained year round.

Ms. Bailey however brought up a concern with the idea of having an acting school security employee at all sporting events and school related functions. Is this even practical? Ms. Bailey mentioned that she would be required to in this case identify everyone who wants to participate as a school security employee for each sport, club, function, etc., for each school throughout the system.

Ms. O’Croinin responded by informing the Advisory Board that each local school system has a School Safety Coordinator that will determine this. The individual school systems will need to examine job descriptions to determine who must be trained.

Chair, Dr. Arlotto agreed with this notion that those safety and security functions need to be included in the job descriptions or titles to ensure that the correct individuals receive the training and that it is not overly broad.

Director Hession then discussed the notion that we can keep “School Safety Coordinators”, “School Safety Directors”, and “Any individual designated by the administration” in the definition of School security employee, and take out “Principal or other school administrator” from the definition of who can perform duties of a School security employee. Ms. O’Croinin noted the requested changes, to which the group assented.

Ms. O’Croinin then proceeded to introduce the third term that the Advisory Board would discuss and define, “School Security Coordinator.”

Ms. O’Croinin explained that a school safety coordinator, as set forth in Md. Code Ann., Education Art. §7-1508(a), serves as the liaison between the local school system, the local law enforcement agency, and the Maryland Center for School Safety. The Center has to certify the school safety coordinators. The question is whether the school safety coordinators are also “school security employees” as set forth in Md. Code Ann., Ed. Art. § 7-1501(k), and would also be required to complete the model curriculum.

The working definition compiled by the MCSS staff for the training to be required for school safety coordinators is as follows:

- The Center shall certify the school safety coordinator upon completion of the following training:
  1. The MCSS model curriculum for school resource officers and school security employees as set forth in Md. Code Ann., Education Art. §7-1508.
  2. The National Incident Management System, Incident Command System, independent study courses 100, 200, 700 and 800.
  3. School safety coordinators shall submit the certificates of completion to the Center within thirty (30) days of completion of the coursework.
  4. School safety coordinators shall complete an additional four (4) hours of supplemental instruction annually in content areas approved by the Center to maintain certification.

Ms. Padilla advised Ms. O’Croinin that she understood that this proposed regulation would require school safety coordinators to submit certificates of completion to the Center within 30 days of completion, but wanted clarification on the deadline for when all school safety coordinators needed to complete initial certification.

Ms. O’Croinin informed Ms. Padilla that they must be trained and completed by the September 1, 2019, deadline specified in the Safe to Learn Act for completion of the model curriculum. The Board assented to this definition.

Ms. O’Croinin then proceeded to discuss the after action reports that will need to be completed by local school systems following a “critical, life-threatening incident.” Ms. O’Croinin discussed how Md. Code Ann., Ed. Art. §7-1510(g) does not define “critical, life-threatening incident,” does not establish a timeframe for what constitutes prompt notification to the Center, and does not establish a deadline for local school systems to complete the after-action report of the incident required by Md. Code Ann., Ed. Art. §7-1510(g)(2).

Both terms, “After Action Report” and “critical, life-threatening incident” will need to be discussed so that local school systems will know what constitutes a critical, life threatening incident and triggers the reporting requirement. Ms. O’Croinin advised that the breadth of how that term is defined will help to establish what would be a reasonable deadline for the submission of the after action reports.

Mr. Alban began by asking if this will need to include all risks such as a carbon monoxide leaks near or in a school campus.

Director Engel responded to Mr. Alban by informing him that although risks such a carbon monoxide leak should be reported to the proper authorities and handled appropriately, this definition should focus more on threats by individuals than hazardous responses.

Mr. Bell inquired about concussions. Should concussions fall into this category, because they could be classified as a critical, life-threatening incident? Mr. Bell mentioned that concussions can be a regular occurrence for athletes, and they can cause students to miss time from school.

Ms. O’Croinin stated that if it is severe enough for Emergency Medical Services (EMS) personnel to respond to the incident, and triggered a significant disruption, then it may be a critical, life-threatening

incident. Ms. O’Croinin advised that the statute does state that the reporting requirement is for incidents occurring “on school grounds.” Ms. O’Croinin further advised that there may be a scenario where a student athlete is injured and suffers a concussion and it is not perceived to be a critical, life-threatening incident at the time the injury occurred, but then a student may suffer subsequent complications. She asked the group to think about where the line would be drawn.

Captain Herring asked the Advisory Board about what is in this case considered critical? Is it only critical if there is a response from EMS personnel? Are incidents where they don’t respond not considered to be critical, life-threatening incidents?

Ms. Bailey then asked what incidents we will need to report on. What about incidents on school buses, or field trips, or other school sponsored events?

Ms. O’Croinin reminded Ms. Bailey that the statute requires the reporting only for critical, life-threatening incidents occurring on school grounds. Ms. O’Croinin further responded to Ms. Bailey that local school systems could certainly choose to report other incidents beyond what the regulations define as “critical, life-threatening incidents” by saying that there is nothing in statute that is preventing incidents described by Ms. Bailey to be reported.

Ms. Bailey points out that the legislature will want to know why some threats are getting reported in some areas, and why similar threats in different areas may not be getting reported.

Director Hession informed Ms. Bailey that this law and terminology is focused on incidents, not the threats per se.

Ms. O’Croinin again added that the statute discusses incidents that occur on school grounds, not on buses and transportation.

Additionally, Ms. O’Croinin pointed out that every time a student gets injured, it is not, and should not be classified as a critical, life-threatening incident.

Director Engel brings up an issue with standardization of these terms and practices again similar to the issues that MCAC and Maryland State Police are experiencing with the reporting of hate crimes and hate bias incidents.

It is crucial that all reporting of incidents be standardized throughout the state in order to compile accurate and useful data.

Director Hession mentioned that possibly creating a smaller work group to discuss this could be a possible solution.

Chair, Dr. Arlotto informed all members of the Advisory Board that concussions and other incidents that arise at schools should be reported to the proper individuals and handled accordingly pursuant to existing school system policies. Many of these incidents can be handled within the school and not reported to MCSS. The School Safety Coordinators and school security employees will be responsible for handling the cases that should be reported to MCSS.

Ms. O’Croinin proceeded to discuss what should be considered as an appropriate timeframe for local school systems to initially report these incidents to MCSS, and then for the time frame to conduct the after-action meeting and submit the local school system’s written report.

Suggestions for timeliness of initial notification and timeliness of completion for after-action reports:

1. Notification to MCSS within forty-eight (48) hours of the incident;
2. After-action meeting and review required pursuant to Md. Code Ann., Ed. Art. 7-1510(g)(2) within 45 days;
3. Report to MCSS of results of after-action review within 60 days.

Captain Herring mentioned that a 48 hour window is plenty of time, but in his job, if something occurs and he should know about it, he wants to know about it as soon as possible. He mentions the he wants to be briefed on the incident “when practicable, but no later than...”. Ms. O’Croinin acknowledged Capt. Herring’s suggestion and advised that she would add that language to the proposed regulation.

Director Hession and Ms. O’Croinin transitioned to the final item for the Board’s consideration, which was whether any regulations were needed from the Subcabinet to clarify the role of the mental health services coordinators for each local school systems, or with respect to grants from the Safe Schools Fund related to the behavioral health services and wraparound services mandated by the Safe to Learn Act.

Director Hession reminded the Advisory Board that each local school system is required by the Safe to Learn Act to have at least one (1) mental health services coordinator, and that these individuals needed to be designated by the school systems by September 1, 2018.

She described how some systems appointed a new individual to fill this role, some assigned the job functions to an existing school system employee who has other job functions, and some opted to contract out for the services. Director Hession advised that the Subcabinet could further define the role of the mental health services coordinators, and establish metrics to determine their effectiveness.

Ms. Bailey discussed how St. Mary's County Public Schools already had policies in place, and perhaps these should be shared so that systems could work together and not have to reinvent the wheel.

Ms. O'Croinin mentioned the importance of not issuing regulations for the sake of issuing them and that they need to be carefully crafted so as to be useful throughout the State. As an alternative, she suggested that MCSS could draft a "best practices" guideline document to assist the mental health services coordinators with their roles.

Chair, Dr. Arlotto asked if anyone had any questions, comments or concerns regarding what was discussed.

A motion was made to adjourn the meeting by Tom Alban, which was seconded by Secretary Padilla and the motion was unanimously approved.

The meeting concluded at 12:00pm.