

# Agenda

**February 3, 2020**

*10:00 a.m. – 12:00 p.m.*

*100 Community Place, Side A, Crownsville, MD 21032*

- Welcome of the Advisory Board – Chair, Dr. George Arlotto
  - Welcome of new Board Member • Introductions of Board Members
  - Public Meeting Reminders
  - Declaration of Quorum
  - Additions to the Agenda (if needed)
- Approval of Prior Meeting Minutes
  - December 2, 2019 - Meeting Minutes
- Maryland Center for School Safety Updates – Kate Hession
  - Subcabinet Updates
  - Legislative Updates
  - Training Updates
- Discussion Topic: Draft Regulations – MCSS Facilitated Discussion
  - **Topic:** Review and discuss draft regulations
  - **Outcome:** Provide input and recommendations to support Subcabinet regulation development
- Closing – Dr. Arlotto
  - Next Meeting – March 2, 2020 - AABOE
  - Adjournment

A member of the public is invited to attend and observe any open meeting session but may not participate in the session unless the meeting agenda specifically includes a section for public testimony or comment.

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

## Meeting Minutes - February 3, 2020

The meeting of the Maryland School Safety Advisory Board was held on February 3, 2020 at 100 Community Place, Crownsville, MD 21032.

Dr. George Arlotto, the Advisory Board Chair, called the meeting to order at approximately 10:01 a.m. Dr. Arlotto provided opening comments welcoming Lee-Nadine Oppenheimer to the Board and asked members of the Board to introduce themselves. Dr. Arlotto provided an overview of the Board, how it worked and its purpose, which is to provide recommendations for the Subcabinet and Center. Dr. Arlotto reminded all present that this was a public meeting and that only members of the Board would be allowed to speak or comment during the meeting unless approved by the Chair. Dr. Arlotto then declared that there was a quorum was present and asked if there were any changes to the Agenda. There were no changes to the Agenda.

*Action: Motion by Mr. Alban to approve the Agenda, seconded by Ms. Moody, Motion carried without opposition.*

### **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 E. Alban, Director of Risk Management for the Archdiocese of Baltimore
- Chief Tim Altomare, Anne Arundel County Police Department (Maryland Chiefs of Police Association)
- Cathy Allen, representative (non-voting) for Karin Bailey, Chair, St. Mary's County Board of Education
- James T. Bell, Head Football Coach at Great Mills High School
- Eric Ebersole, Maryland House of Delegates, District 12
- David Engel, Director, MCAC
- Pamela Gaddy, Maryland State Education Association/ TABCO, Baltimore County Public Schools
- Capt. Patrick D. Herring, Parent of Child with Disabilities (Co-director, National Center for School Mental Health, Associate Professor, Division of Child and Adolescent Psychiatry, UM School of Medicine)
- Sam Deschenaux , representative (non-voting) for Katherine Klausmeier, Senator
- Laurel Moody, School Liaison to MIEMSS Pediatric Emergency medical Advisory Council
- Lee-Nadine Oppenheim, Director of Finance and Operations, Ivymount Corporation
- Lourdes Padilla, Secretary, Department of Human Services
- Manfred Reek, Representative, School Bus Drivers
- Nicholas Shockney, Special Education Administrator, Carroll County Public Schools
- Jayshree Srinivasan, Student, Mount Hebron High School

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

- Kate Hession, Executive Director
- Joseph Dino Pignataro, Deputy Director
- Dawn P. O'Croinin, Assistant Attorney General
- Christian Cymek, Special Assistant
- Ronald Pierce, Regional Specialist
- Jesika McNeil, Executive Assistant

**Other meeting attendees:**

- Zachary Hands, Special Projects Assistant to the State Superintendent of Schools

Other representatives of State agencies were also in attendance.

*Approval of Prior Meeting Minutes:*

Dr. Arlotto stated that there were minor changes to the meeting minutes from the December 2, 2019 meeting that had been discussed with the Center and will be made. Dr. Arlotto requested a motion to approve the prior meeting minutes with noted changes.

*Action: Motion by Delegate Ebersole to approve the December 2, 2019 minutes with noted changes, seconded by Mr. Alban, Motion carried without opposition.*

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

MCSS Executive Director Kate Hession informed the Advisory Board that Dr. Karen Salmon will be ending her term at the end of June and that there will be a new Chair for the Subcabinet. Ms. Hession further informed the Board that she did not anticipate any major shifts in operations and would keep the Board updated.

Ms. Hession notified the Board that she and Dr. Salmon briefed the House and Senate budget committees and presented to Ways and Means committee. Ms. Hession stated that this provided an opportunity for the legislature to hear the good things that the Center has been doing over the last year. Ms. Hession further informed the Board that the Subcabinet would like the Board to make recommendations on guidance and regulations on cybersecurity for school systems and that this was not listed in the workplan that received because they had not determined the best way to address the subject. Ms. Hession went on to state that the workplan they received mapped out the year and that there were no Board meetings scheduled for the summer; however, if something was to drastically change, the Chair would adjust the schedule accordingly.

Ms. Hession turned the floor over to Mr. Cymek, Special Assistant, to provide the Board with updates on the 2020 Legislative Session and bills that the Center is tracking that relate to school safety.

Mr. Cymek started by explaining to the Board how bills become law and then provided the following information in a handout to the Board and went over each bill verbally and opened the floor for questions:

- **HB0001/SB0001 – Built to Learn Act of 2020** Requiring or authorizing the Maryland Stadium Authority to contract for, manage, and oversee certain public-school facility projects. Authorizing the Prince George’s County government and Board of Education to enter into a certain public-private partnership to enhance the delivery of public-school construction projects in the county. Requiring the Governor, beginning in fiscal year 2020, to include in the annual budget certain supplemental findings to be used for certain educational purposes. Dr. Arlotto questioned if this was in relation to school safety specifically, to which Mr. Cymek confirmed that it was.
- **HB0005/SB016 – Hate Crimes – Use of an Item or a Symbol to Threaten or Intimidate (Passed out of the House on 01/30/2020)** Prohibiting a person from placing or inscribing an item or a symbol, whether temporary or permanent, on any real or personal, public or private property, with the intent to threaten or intimidate any person or group of persons. Establishing that a penalty of imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both applies to a violation of the Act.

Ms. O’Croinin provided clarification that this applied to the item being attached to someone else’s property, private or public, not to their own property. Sec. Padilla questioned if this criminality mattered based on the age of the person who did it, to which Ms. O’Croinin stated that it did not. Mr. Bell questioned the term “fixed” and questioned if it was placed on a vehicle or piece of clothing that can then be moved to different locations, would this penalty still apply.

Ms. O’Croinin stated that if it is placed on someone else’s property this would apply; however, it would not apply it’s on their own property unless they were, for instance, to go to a school where they are now on the property of someone else. Mr. Engel stated that like other criminal laws, it come down to what school administrators will do with the offender, and whether the SRO will be involved (school discipline vs. criminal charges). Ms. Gaddy agreed with Mr. Engle stating that this will fall to the principal’s discretion and what one sees as vandalism another may see as a violation of the law.

- **HB0166 – Criminal Procedure – Law Enforcement Procedures – Use of Force (Hearing was canceled and had not been rescheduled at the time of the Board meeting)**
  - Police Officers are justified in using force against a person if there is probably cause to believe that the person committed a crime and the force is used to prevent the person’s escape. Also, the force is justified if the officer uses no more force than reasonably necessary to effectuate an arrest.
    - Police Officers are justified in using deadly force if the police officer reasonably believes that deadly force is necessary to protect the police officer or another person from the threat of serious bodily injury or death, and the police officer’s actions are reasonable given the totality of the circumstances
    - A trier of fact shall consider factors as part of the totality of the circumstance’s when assessing whether the officer’s beliefs and actions were reasonable.
      - Whether the suspect possessed or appeared to possess a deadly weapon and refuses to comply with the officer’s order to forfeit the object.
      - Whether the officer engaged in de-escalation measures (taking cover, calling for back-up, etc.) prior to the use of force.
      - Whether any conduct by the officer increased the risk of a confrontation resulting in deadly force being used.

- Mr. Alban stated that he had profound concerns on items one and two because this is what they do every day as police officers and that police are forced to make decisions in microseconds and that this law puts police officers in corners and sets them up for failure by painting every cop in the State with a very broad bush and stereotyping them.
- **HB0202 – Restorative Schools Fund and Grants – Establishment** Establishing the Restorative Schools fund as a special, non-lapsing fund that is designed to develop and support restorative approaches. Administered by MSDE, the purpose is to provide grants to local school systems and individual schools for training on and implementation and evaluation of restorative approaches that build and sustain positive learning communities. Mr. Alban questioned if this was for public schools, to which Ms. O’Croinin stated yes, that it was for Local School Systems.
- **HB0277/SB0367 – State Department of Education – Guidelines on Trauma-Informed Approach** Establishing the Trauma-Informed Schools Initiative in the State Department of Education to expand the use of the trauma-informed approach used in schools and to intensively train schools on becoming trauma-informed schools. Requiring the Department to develop and distribute certain guidelines and to develop a website on the trauma-informed approach. Capt. Herring questioned if this only applied to public schools, to which Ms. O’Croinin confirmed that it did. Ms. Gaddy asked if the bill stated how the training was going to be delivered. Ms. O’Croinin stated that the bill discusses who would be trained and that there would be a pilot program selecting one school from each type of geographic area (urban, suburban and rural), and the content but not who has to deliver it. Ms. Gaddy stated that she had concerns and hoped that it would not be just a PowerPoint giving teachers “x” number of days to sign off on it but an actual training that is more hands-on. Ms. O’Croinin stated that based on the language in the bill, she believed that the training is being directed to a more hands on approach.
- **HB0302 – Deadly Weapons on School Property - Nonpublic Schools** Altering the scope of a certain prohibition against carrying or possessing a deadly weapon on public school property to include nonpublic school property.
- **HB0327 – Public Schools – School Resource Officers – Prohibited Conduct** Prohibiting a school administrator or official or a school safety coordinator from directing a school resource officer to enforce certain discipline-related policies, rules, regulations, or procedures.

Prohibiting a school resource officer from unilaterally enforcing certain discipline-related policies, rules, regulations or procedures and requiring a specialized curriculum for use in training of school resource officers to include training in conduct that is prohibited. Mr. Cymek stated that this bill went hand-in-hand with the development of the *Understanding the SRO* course that the Center developed. Ms. O’Croinin clarified that the training the Center did last year trained everyone on this already. This statute would just clarify what was already taught. Dr. Arlotto stated that he thought it was a good thing anytime you can clarify what people’s roles are and making sure they understand with law enforcement. Sheriff Adams questioned what the penalties would be for violating this; more specifically, if an administrator violates this. Ms. O’Croinin advised that there isn’t a penalty provision in the statute. She stated that at the end of the day it comes down to being specific in the MOU governing the SROs operating in the schools and revisiting the language after session is over. Ms. O’Croinin further informed the Board that this bill was introduced last year and did not move forward. Delegate Ebersol stated that everyone should remember that everyone has superiors who are charged to hold people accountable on any policy that is in place.

- **HB0479/SB0479 – Maryland Police Training and Standards Commission – Citations in Lieu of Arrest** Requiring the Maryland Police Training and Standards Commission, in consultation with the Anne Arundel County Policy Academy, to develop and maintain a uniform statewide training and certification curriculum that includes role-playing exercises to ensure the use of best practices in the issuance of citations in lieu of arrest. Mr. Alban stated that he had mild concerns here because it sounds like they are making state laws based on mandating that overworked resources are responsible for getting this done and not sure if it’s good practice to start drilling down in state law.
- Mr. Herring questioned if this was unfunded and if it would come out of existing resources, to which Ms. O’Croinin stated that she did not believe any funds were associated with this bill.
- **HB0541—MPTSC – Training Requirements – Hate Crimes** Requiring the Maryland Police Training and Standards Commission to require entrance-level and in-service police training conducted by the State and each county and municipal police training school to include in their curriculum training relating to the criminal law concerning recognition of, reporting of, and response to hate crimes and hate bias incidents. Mr. Engel raised concerns about whether the training bill included both hate bias and hate crimes because he didn’t want it to contradict with the existing reporting requirement under the Public Safety Article.

Ms. O’Croinin stated that the bill mirrored the language of §2-307 of the Public Safety Article directly to encompass hate bias and hate crimes. Mr. Engel went on to give an example of what is currently reported as a hate bias incident that would not be criminal in nature vs. a hate crime and that Maryland currently reports both and is aggressive in its reporting, making it one of the leading states in the country to help communities recognize a problem before it rises to criminal conduct. Ms. Gaddy asked if there was any language in the bill that talked about counties that are currently underreporting and swaying the numbers, to which Ms. O’Croinin stated there was

not. Sheriff Adams stated this is something that upsets him because the counties that are correctly reporting get painted in the same light as those that are not.

- **HB0615 – Education – School Construction – Pedestrian Safety Plans** Requiring a county board of education seeking State funds for the construction of a new school or the renovation of or an addition to an existing school that would increase the capacity by more than 100 students to submit a pedestrian safety plan to the Interagency Commission on School Construction. Dr. Arlotto questioned if this was only to be reported to the IAC for those things on school property, as they have no control over the municipalities when adding sidewalks etc. Ms. O’Croinin stated it was not restricted in that manner and that it would be a wide spread collaboration to put the plan together. Delegate Ebersole stated that you would not have to do the reporting just come up with a plan on how to generate the report.
- **SB0459 – Public Schools – School Resource Officers – Firearms Required** Requiring a Baltimore City School Police Officer or a School Resource Officer to carry a firearm while present on the premises of the school to which the officer is assigned. This legislation came to the MGA last session but was not successful.

Ms. O’Croinin also brought HB0522 - Home and Hospital Teaching Program for Students to the Boards attention which discusses prolonged time on home and hospital study to create a process for Mental Health Services Coordinators to access what is going on and what is still needed in order to transition the child back to school.

Ms. Hession questioned if the bill stated specifically who had to sign off on the plan, to which Ms. O’Croinin stated that there were no specifics. Ms. Hession confirmed this bill would be added to the Center’s watch list and opened the floor for discussion.

Ms. Moody requested that HB0331 – Medical Cannabis Guidelines be added to the list of bills that the Center is tracking.

Ms. Gaddy requested more clarification on this bill and how school nurses would be required to administer the medical cannabis.

Ms. Allen requested that SB0034 – Consumer Protection bill that prohibited the swiping of ID cards and driver’s licenses be tracked and added to the Center’s list because it would affect scanning systems that schools are using for access to the buildings. As written, the statute did not contain an exemption for schools.

Secretary Padilla requested that the Center track HB0207/SB0206 – Unaccompanied Minors and Consent as she believes it will be an issue for the schools on how to monitor truancy and who has custody of the students.

Delegate Ebersole informed the Board that he planned on introducing a bill around reporting violent incidents against teachers and provided details regarding how he thought this would work and how the Center would be involved.

Ms. Hession informed the board if any other bills of interest came up that they would like to discuss to please contact the Center and turned the floor over to Mr. Pignataro for training updates.

Mr. Pignataro informed the Board that the Center was working on a multi-year training plan that would include courses like stop the bleed and that the emphasis is being moved to behind the scenes focusing more on youth mental health first aid.

Mr. Pignataro informed the Board that two staff members had been trained on Mental Health First Aid and that the Center was also working on a workshop on behavioral threat assessments.

Mr. Pignataro stated that the Center was researching on getting the regional staff trained so that they can teach restorative practices. Mr. Pignataro asked if Mr. Alban would allow the Center to look at the trainings they've done and if they would be willing to review the Center's pilot program, to which Mr. Alban agreed.

Mr. Pignataro went on to inform the Board that the Center was also looking at how to reduce crime through environmental design and that Mr. Ronald Pierce was our in-house expert on this.

Finally, Mr. Pignataro informed the Board that the Center was working on 5 to 10 minute short videos and trainings with the regional staff, SROs, and SSCs that would begin releasing later in the month and that if there were any topics they would like to see the Center produce a video on to let the Center know.

## *Work Plan: Draft Regulations*

Ms. Hession referred to the draft regulation provided to the Board on Mental Health Services & Wraparound Services, stating that it stemmed from the Safe to Learn Act and one of the biggest concerns that the Mental Health Coordinators had was that the word “ensure” was used in the statute, what that meant, and how they ensure wraparound services are provided to students. Ms. Hession further informed the board that the Subcabinet requested that the Center begin to draft a regulation, which it did with the help of the Mental Health Services Coordinators, and were looking for the Board input before submitting to the Subcabinet.

Ms. O’Croinin reviewed the draft regulation with the Board that they were provided with prior to the meeting. Ms. O’Croinin stated that the goal was to find a way for the Mental Health Services Coordinator to make recommendations on treatment, knowing that there was no legal way to make sure the students actually received the services. The regulation would also provide a process for schools to document all efforts. Secretary Padilla requested that the child abuse and neglect statute be referenced in the regulation as a part of the notification to the parents and guardians if they fail to obtain the services for the child. Ms. Moody asked if there was any language regarding providing interpreters, to which Ms. O’Croinin stated that there was not because the school would already be required to provide a translation or interpreter when necessary.

Ms. Allen questioned how this would be handled for students that were homeless without a permanent address to contact the parents for sign off and/or sending out notifications.

Dr. Arlotto stated that a lot of this depended on the resources that the school had and who was available to provide the wrap around services; be it the social worker from the school or department of social services. Dr. Arlotto further stated that the problem was that you provided triage at the school level and there’s no follow up and continuum of care.

Ms. O’Croinin stated that there is no mandate that a parent has to share the information back to the school as to what care the child has received.

Dr. Arlotto stated that his concern was that a form is being created that they can be responsible for but that it’s not going to make much of a difference and questioned who would be responsible for creating the form.

Ms. O’Croinin stated that there has been discussion around the Center providing guidance but not the actual form as the local school systems wanted to determine what their forms look like.

Ms. Berger questioned if there was a timeline as to when the form would be developed.

Ms. O’Croinin stated that the regulation still had to go in front of the Subcabinet and that nothing could be put out for public comment while the legislature is in session. She also stated that sample forms would be developed following enactment of the regulations.

Secretary Padilla stated that she's fine with the form but struggling with what happens when a parent doesn't go along with the recommendation. Ms. O'Croinin stated that this was topic to discuss with the Mental Health Coordinators in regards to developing some guidance around that particular scenario.

Dr. Arlotto asked for a motion to move the regulation forward for the Subcabinet to review with the changes discussed.

*Action: Motion by Mr. Alban, with noted changes, seconded by Ms. Moody, Motion carried without opposition.*

*Closing:*

A motion was made to adjourn the meeting by Mr. Engel, which was seconded by Secretary Padilla. The motion was unanimously approved. The meeting concluded at 11:30 a.m.