

Agenda

March 25, 2019

*Governor's Reception Room, State House, Annapolis
10:00 a.m. – 12:00 p.m.*

- Welcome of the Subcabinet – Chair, Dr. Karen B. Salmon
 - Declaration of Quorum
 - Additions to the Agenda
- Approval: Prior Meeting Minutes
 - February 25, 2019 Meeting Minutes
- Approval: STLA 2018 (Senate 1265) Chapter 30, Section 12 – report on delivering behavioral health and wraparound services (MDH amendment)
- Maryland Center for School Safety Updates – Kate Hession/Dino Pignataro
- Advisory Board Update – Kate Hession
 - Subcabinet DRAFT Regulations – Dawn O’Cronin
 - April Topic – SRO Training
- Discussions/Approval: Grants
 - Update – School Safety Evaluation Grant (\$2.5M)
 - Grant funding reallocation approval process
 - Safe Schools Fund (\$10.6M) New Applications - Dino Pignataro
 - Cecil County
 - Fredrick County
 - Garrett County
 - Queen Anne’s County
- Closing – Dr. Salmon
 - Next Meeting – April 15 10:00 a.m. Crownsville
 - 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 25, 2019

Dr. Karen B. Salmon, State Superintendent of Schools and Subcabinet Chair, called the meeting to order at 10:03 AM, provided opening comments and noted that a quorum was present.

The following Subcabinet members were in attendance:

- Ms. Carol Beatty, Secretary, Maryland Department of Disabilities
- Mr. William Fields, Assistant Attorney General – Attorney General Designee
- Mr. Robert Gorrell, Executive Director, Interagency Committee on School Construction
- Mr. Robert Neall, Secretary, Maryland Department of Health
- Colonel William M. Pallozzi, Superintendent, Maryland State Police

The following Maryland Center for School Safety (MCSS) members were at the meeting table:

- Ms. Kate Hession, Executive Director, MCSS
- Mr. Joseph Pignataro, Deputy Director, MCSS
- Ms. Dawn O’Croinin, Assistant Attorney General, MCSS

Other meeting attendees in the room:

Representatives of State agencies, the Governor’s Office and additional staff from MCSS were in attendance.

No one within the Subcabinet had any additions to the agenda.

Ms. Hession was asked by Dr. Salmon to do a brief introduction of all the MCSS staff. Ms. Hession first introduced those that everyone was familiar with: Dino and Dawn, our council.

Ms. Hession introduced Emily Lucht, Communications and Media Specialist; Holly Barrett, Certification and Education Administrator; Christian Cymek, Special Assistant supporting MCSS through the legislative session; Jesika McNeil, Executive Assistant; and Gifty Quarshie, Fiscal & Grants Analyst.

Approval of Prior Meeting Minutes

A motion was made by Mr. Gorrell and the motion was seconded by Secretary Neall to approve the meeting minutes from the February 25, 2019 meeting. The minutes were unanimously approved.

Approval of STLA 2018 (Senate 1265) Chapter 30, Section 12

Ms. Hession informed the Subcabinet that they received both redline and clean versions of the document to review and that the changes made were primarily editorial.

Ms. Hession mentioned that there was a request that demographics on race and sexual orientation be eliminated.

Ms. Hession noted to the Subcabinet that information on private insurance data was included as well as absenteeism language.

Ms. Hession further informed the Subcabinet that explanations on the programs and services referenced in the tables throughout the report were included.

Dr. Salmon motioned to approve the changes. Sec. Neall motioned, seconded by Sec. Beatty.

Maryland Center for School Safety Updates

Ms. Hession informed the Subcabinet that the first pre-deployment class for SRO training will take place next week for final certifications for our team.

Dr. Salmon asked if these would be full 40 hour classes.

Ms. Hession confirmed it would be both the 40 hour and 16 hour comparative compliance course.

Dr. Salmon asked to be refreshed on the total number of people to train. She believed it was 1,000 and wanted to know if they could know the dates of the upcoming trainings, as members of the Subcabinet may want to stop by and observe.

Ms. Hession replied yes, we are finalizing and will get the dates to you.

Ms. Hession provided an update on Bowie University that they are finalizing the location for the office and that MCSS staff would be meeting with Bowie staff to identify the location and hopefully see the space we will be using.

Mr. Gorrell wanted to know if there will be a cost associated with the Bowie University site.

Ms. Hession replied that they assumed so but will not know until we had the meetings with Bowie.

Regulations

Ms. O’Croinin informed the Subcabinet that they should have received a draft of proposed regulations from last week’s Advisory Board meeting

Ms. O’Croinin informed the Subcabinet that there were general housekeeping regulations in the beginning, but there were more detailed regulations near the bottom that she would like to discuss.

Ms. O’Croinin asked that they look at Chapter 4 regarding use of force reporting bringing to the attention that the first report to the Governor’s office must be submitted by December 1, 2020.

Ms. O’Croinin informed the Subcabinet that there was some discussion around the use of force definition and if it would include a custodial arrest.

Ms. O’Croinin informed the Subcabinet that based on the discussion before the Advisory Board, that the law enforcement members of the Advisory Board made it clear that to them, the act of engaging in a custodial arrest is not considered by law enforcement to be a “use of force.”

Ms. O’Croinin informed the Subcabinet that there was discussion to determine if placing cuffs on a student would be considered a “use of force” or not? Ms. O’Croinin advised the Subcabinet that based on a decision by the U.S. Court of Appeals for the Fourth Circuit originating out of Wicomico County, Maryland, that the Court views the act of placing the student in handcuffs in a custodial arrest as a “use of force.”

Ms. O’Croinin informed the Subcabinet that local school systems are already required to collect data on school based arrests for MSDE’s annual report. That report indicates whether the arrest was custodial, a referral to the Department of Juvenile Services, or a citation. The file layout formats for the MSDE collection and data elements proposed for the MCSS “use of force” collection can be married together to provide the final report required by Safe to Learn to the Governor and the General Assembly.

Ms. O’Croinin informed the Subcabinet that this will simplify things for the local school systems, while being consistent with the use of force reporting currently done by local law enforcement.

Dr. Salmon informed the Subcabinet that they are in the process of publishing the student arrest data report, and emphasized the importance of keeping things simplified so as to not create confusion for the local school systems on these two separate reports.

Mr. Gorrell asked the Subcabinet if they thought we should have language around children with special needs and them requiring a cool down period that is not necessarily considered a “use of force” and how this should be addressed.

Ms. Hession suggested that we review the subsection for definitions to ensure we are compliant.

Mr. Fields stated that “use of force” seems to be hands on as defined and not a cool down period as Mr. Gorrell pointed out.

Ms. O’Croinin explained that the proposed definitions of what would be collected by the “use of force” report mandated by the Safe to Learn Act came from the Montgomery County Police Department’s current use of force report, which is comprehensive and provides the detail that is needed to serve the legislative intent of this portion of the Safe to Learn Act.

Ms. O’Croinin opened the floor for questions.

Ms. O’Croinin pointed out the list of items that would be collected which were taken from a “use of force report” that Montgomery County uses which was comprehensive.

Mr. Fields stated that the term “decontamination” is used many times and questioned if a teacher, principal or judge would know what the term means. Mr. Fields also mentioned the term ASP (Armament Systems and Procedures) Baton was not defined.

Dr. Salmon asked if ASP was a police term.

Col. Pallozzi replied, it was, and clarified it was an expandable baton and that it was a brand. He believed that the regulation should state just baton should be used as opposed to ASP baton.

Ms. O’Croinin confirmed that the change would be made.

Mr. Fields suggested that a definition section be added to define the terms.

Col. Pallozzi suggested that the definition section should be added to the bottom of the document.

Ms. O’Croinin said that she would add a definition of “decontamination” to the document where it is referenced within the regulations.

Mr. Fields asked if SROs will be equipped with knives.

Col. Pallozzi informed the Subcabinet that troopers have knives, but they are used as a last resort and are considered rescue tools.

Ms. O’Croinin stated that if they are available as standard issue equipment to law enforcement that she did not think that we should exclude them from the list. The Subcabinet agreed.

Ms. O’Croinin stated that we would move on to Section 5, which covered the definition of a school security employee.

Ms. O’Croinin noted that the statute states that a school security employee is employed by local school systems to provide school safety and security-related services at a public school. The statute notes that the term will be further defined by regulations of the Subcabinet. This was discussed in length by the Advisory board, which determined that this term should apply to those individuals whose primary job functions are providing safety and security services at a public school.

Ms. O’Croinin stated that the Advisory Board recommended that this definition clearly state that it applied to school safety coordinators and school safety directors, or anyone assigned to carry out those duties for the local school system.

Ms. O’Croinin stated the statute excludes SROs from the definition of a school security employee, and that the Advisory Board agreed that it should not apply to local law enforcement who provide supplemental coverage or periodic coverage to the local school systems.

Ms. O’Croinin opened the floor for questions.

Ms. Hession informed the Subcabinet that she had a discussion with 19 of 24 security directors that were not part of the Advisory Board and they were opposed to the school safety coordinator/ director being part of the definition.

Ms. Hession further informed the Subcabinet that their reason for this opposition is that they do not spend all day in the schools and are primarily located in the central school system offices.

Ms. Hession also informed the Subcabinet that these directors were giving push back on the 40-hour training and would like the center to develop an executive-level training.

Dr. Salmon stated that administration is a service, with all due respect, and that it would be impossible to say that they shouldn’t because it is in the statute.

Ms. O’Croinin stated that it was all about the training and before it was put into law it was already discussed.

Dr. Salmon stated that the Advisory Board might have to define.

Ms. O’Croinin stated that the last section states that the mandatory trainings for SROs add provisions regarding the school safety coordinator and defines the role.

Ms. O’Croinin further stated that it requires that they complete the training as well as an additional four hours of continuing education annually, and federal emergency response training units (online units) and submit the results and certification to the center.

Ms. O’Croinin stated that the school safety coordinators are required to complete the extra training because they would lead or support incident command for emergencies involving the local school system.

Dr. Salmon asked if there is a difference between School Safety Coordinators and School Safety Directors.

Ms. O’Croinin stated that some schools systems have both; however, the Safe to Learn Act mandates that each local school system must have a School Safety Coordinator.

Dr. Salmon suggested that the language to be changed to say School Safety Coordinator/School Safety Director.

Dr. Salmon asked if there should be timelines associated with this.

Ms. O’Croinin stated that Subsection D states that they have up to the following year to complete the training if they are not currently acting in this role and depends on how long someone has held the current position.

Dr. Salmon asked that this subsection / definition to be read as she wants to make sure that completion is possible.

Ms. Hession replied; “yes, they should have plenty of time to complete the online courses”.

Ms. O’Croinin suggested adding language to Subsection E that those that had NASRO Certification on September 2017 will be allowed to complete the comparative compliance 16 hour training.

Dr. Salmon asked for confirmation by question that they would not have to repeat the course.

Ms. O’Croinin stated that was correct.

Sec. Neall stated that if 19 of 24 did not like the definition that maybe the Subcabinet should have some diplomacy since the Subcabinet is not changing the definition and the Advisory Board did not change the definition. He suggested that the Center staff hold a meeting or send a letter to the 24 security directors regarding the decision to keep the definition.

Ms. Hession stated that the Center would be developing various short trainings. Security officers don’t want the training to be mandated.

Dr. Salmon agreed that they should send a follow up letter and invite them to attend the next Subcabinet meeting, and that she and Ms. Hession will discuss the possibility of another training.

Ms. O’Croinin suggested that they move onto housekeeping on some of the regulations in the front.

Ms. O’Croinin pointed out language in Subsection M regarding disruptive conduct at open meetings of the Subcabinet and Advisory Board.

Ms. O’Croinin stated that she moved language around in Subsection A regarding inclusion.

Sec. Beatty asked that language be added on the ability to request reasonable accommodations into this section.

Ms. O’Croinin stated that this could be done.

Ms. O’Croinin pointed out language in Subsection 5 in regards to the media’s ability to resend information is defined.

Ms. O’Croinin pointed out language regarding recordings not being part of the record and that this included media.

Ms. O’Croinin would like to repurpose the language in Subsection 7 in regards to the request of public information act.

Dr. Salmon questioned if these regulations would go through the normal promulgation process or be submitted as emergency regulations.

Ms. O’Croinin replied, yes, they would be posted in the Maryland Register for 60 days for any public comments, then any changes will come back to the Subcabinet for a vote where it will either be approved or if there are changes it will be reposted for public comment for 60 days and continue through the process until complete.

Mr. Fields questioned if this meant that we could not accept email requests since they do not have signatures and if emails would be sufficient to be replied to for requests under the Public Information Act.

Ms. O’Croinin stated that she will add language to make emails and types of electronic requests acceptable.

Dr. Salmon asked for a motion to approve the regulations.

Mr. Gorrell, motioned to approve the regulations pending the corrections discussed being made.

Mr. Fields seconded the motion. The regulations were approved to be submitted.

Ms. Hession informed the Subcabinet that the next Advisory Board meeting will be held on April 8th, at which time Mr. Rudinski from the Center will give an overview of the 40 hour training to the Advisory Board allowing them to provide feedback and comments.

Ms. Hession suggested that we move onto the discussions and approval of grants.

Ms. Hession stated that there were \$2.5 million in grant money to be distributed for the School Safety Evaluations and that some of the schools were confused on how it was being allotted not realizing the surveys was a separate grant from the School Safety Fund.

Ms. Hession met with the school systems about reclassifying the funds which they approved which slightly changed their allotment.

Ms. Hession stated that the original data used to compute the allotments were from last year and the Center requested updated numbers which made the new allotment \$1,768.03.

Ms. Hession informed the Subcabinet that 10 had been entered into the NOGA system and there were 14 more to enter.

Dr. Salmon questioned if they were using contractors for the evaluations or if they were doing it themselves.

Mr. Pignataro stated that it was a combination. Some are hiring contractors, some are using local law enforcement, and some are doing it with their staff.

Dr. Salmon asked what the timeline is to have this data.

Ms. Hession qualified that each public school safety evaluation must be completed complete by June 15, 2019 but the summary report from each school system is due to MCSS by August 1, 2019.

Mr. Gorrell asked what categories of results will be in the summary and how will we be able to compare the results.

Ms. Hession stated that the staff developed a template with Dr. Brown with MSDE so that the data can be easily prepared for their updates to the emergency planning guidelines for local school systems due to be updated December 2019.

Sec. Neall asked what the grant funding reallocation process will be for those that submitted school survey activities under the Safe Schools Fund.

Ms. Hession stated that the schools will need to reallocate funding and the subcabinet will need to approve the process and how will we be able to compare the results.

Ms. Hession asked if they would rather the Center approve any changes since the funds have been approved or would they prefer that everything be brought back to the Subcabinet regardless of the size of the change for approval.

Mr. Gorrell asked if the allocation is fixed or not and stated that it would allow the Center to move faster if they could approve changes with a ceiling on it.

Ms. Hession stated that she feels as though it should be brought in front of the Subcabinet to make a decision or some sort of system in place for reallocating the funds.

Sec. Neall would prefer a percentage be in place for these things allowing the Center to make the decision up to that percentage. He recommends the Center be able to make decisions up to 25% and anything beyond be brought back to the Subcabinet.

Ms. O'Croinin stated that a percentage would give some guidelines and that those can be included in the regulations.

Sec. Neall recommends 25% and stated that it what was used in the Federal Government.

Ms. O'Croinin asked that the Subcabinet vote and that it's added to the regulations.

Dr. Salmon liked the 25% suggestion and makes the Subcabinet accountable.

Sec. Neall stated that the key is that it's not being moved to a new expenditure that was not already approved.

Mr. Pignataro stated that the Center would have their eyes on these requests regardless of the procedure used to administer the changes.

Ms. Hession stated that anything over 25% must be approved by the Subcabinet.

Ms. O'Croinin stated that the Center could use its discretion as to whether adjustments of 25% or less may need to be brought to the Subcabinet, which leaves that flexible for the agency.

Dr. Salmon agreed and Ms. O'Croinin will write up the language.

Ms. O'Croinin confirmed that the agreed upon percentage is 25% with MCSS discretion to bring any requests under the 25% ceiling to the Subcabinet for review and approval.

Dr. Salmon requested that the Subcabinet move onto grant approvals.

Grant Approvals

Mr. Pignataro provided an overview of the grant request for Cecil County, which included stop the bleed kits, mannequins for trainers, patrol cameras, alerts and notifications for hearing impaired, enhance building communications internally with radios, traffic enforcement, ALICE training, and Naviance software.

Dr. Salmon had issue with the Naviance program as she did not believe it was related to school safety, but more of a guidance system used for college training. Dr. Salmon asked for more justification of this allotment before the grant can be approved.

Dr. Salmon stated that she was open to seeing further information for reasoning on the Naviance system software and how it applies to school safety.

Sec. Neall motioned that all except for the \$59K related to the Naviance software upon further information and consideration.

Mr. Fields seconded the motion, which was approved unanimously.

Mr. Pignataro provided an overview of the grant request for Montgomery County and the items outstanding from the last meeting which included the request to reallocate \$67,675 to computer systems used for reporting issues and tracking issues to their systems, closed circuit TVs, analytical software and additional training of staff.

Mr. Gorrell questioned the \$26K allocation for software to interface with between the two systems. He stated that this was a lot of money on the maintenance side someone would still have to do the work and report that the work was complete back through the maintenance software. He requested more information on how this would work and how it would keep kids safer.

Dr. Salmon confirmed that the addendum was at the Subcabinet's request because they did not approve something at the previous meeting.

Mr. Pignataro confirmed that it was.

Ms. Hession confirmed that it was the indirect costs that were not approved at the last meeting.

Dr. Salmon stated that this was an addendum and the Subcabinet isn't holding up any money on the grant that was previously approved.

Dr. Salmon informed the group that she and Ms. Hession had a discussion on indirect vs. fixed charges and asked Ms. Hession to provide more detail.

Ms. Hession stated that there was a decision by the Subcabinet to not allow indirect costs through the Safe Schools Fund grants and that caused some confusion by the Center to not allow fixed costs.

Ms. Hession confirmed that the Subcabinet had previously determined that indirect costs would not be allowed and fixed costs would be allowed; however, at the February 25, 2019 meeting of the Subcabinet, some fixed costs were inadvertently disallowed by the Center.

This was confirmed and Ms. Hession informed the Subcabinet that the Center had made those adjustments.

Mr. Gorrell asked Ms. Hession to describe the difference between fixed costs and indirect costs.

Ms. Hession stated that indirect costs are the dollars you charge to manage the grant (i.e., to do the application, process the awards) and the fixed costs are the social security and all the other dollars associated with personnel activity and the Center wants to ensure that when the Subcabinet approves the personnel cost that it is also approving the fixed costs that go along with it for that particular grant.

The Subcabinet was in agreement in their original decision to allow fixed costs, but not indirect costs. Montgomery County application was approved.

Dr. Salmon asked that the Subcabinet move onto Frederick County

Mr. Pignataro provided an overview of the grant request for Frederick County, which included items such as escalation training, CPR training, using the Social Emotional Learning Program (PATHS program), stop the bleed training and equipment, enhanced traffic enforcement in and around the schools. He advised that based on the confusion with fixed and indirect costs previously discussed, that Frederick County had previously been told that fixed costs would not be allowed. As a result, Frederick County submitted an application based upon the misinformation. MCSS staff contacted Frederick County to provide the correct information and clarify, and Frederick County submitted a revised form CR-125 in support of its grant application.

Dr. Salmon stated that she had never heard of the PATHS program and that there was a lot of money being allocated to it.

Dr. Salmon stated that it was worth discussing the PATHS program with the group at MSDE to see if this an evidence-based program or not.

Sec. Neall was seated next to Ms. O'Croinin, who had a computer available, and asked if she could look up the program. Ms. O'Croinin went on their website and read the synopsis of the program and its duties.

Mr. Fields stated that the program was Substance Abuse and Mental Health Services Administration (SAMHSA) approved.

Dr. Salmon asked for a motion to approve the grant.

Mr. Field made a motion to approve the grant. Sec. Neall seconded the motion, which was approved unanimously.

Mr. Pignataro provided an overview of the grant request for Garrett County Public Schools, which included items such as panic/duress buttons in the schools, stop the bleed equipment,

programmable two-way radios for each school, red light enforcement, visitor management equipment for each school, consultant to meetings to rework behavioral protocols in their system, training of applied suicide prevention programs, train-the trainer youth first aide, one-day training for Dr. Cornell on behavioral youth assessment.

Mr. Fields asked if there was any way to compare apples to apples since it seems some of the schools want the same things, like stop the bleed kits, but the pricing is different. Mr. Fields wants to know how Garrett County explains why they need so much money for Garrett County's stop-the-bleed kits vs. others which are requesting less. How do you compare apples to apples?

Mr. Pignataro stated that the schools are using different vendors others are getting discounts which will account for the different prices. There's a married group of different options.

Dr. Salmon asked if there was a way for the Center to identify the differences.

Ms. Hession stated that the Center will.

Mr. Gorrell asked if the allocation for flashing red lights is for police officers to enforce the cars not stopping when a bus has flashing lights.

Mr. Pignataro stated it was and based on prior information it is for problem areas identified by the school system.

Mr. Gorrell asked if this falls within the guidelines for school safety.

Col. Pallozzi stated that it does.

Mr. Gorrell asked if the grant needed to include language that states they are not supplanting funds already available to the local law enforcement agencies to perform this work.

Ms. Hession stated that all of the Safe Schools Fund grants already contain language on supplementing, not supplanting in the General Terms and Conditions.

Dr. Salmon asked that a motion be brought to approve the grant.

Sec. Beatty made a motion to approve the grant.

Sec. Neall seconded the motion, which was approved unanimously.

Mr. Pignataro provided an overview of the grant request for Queen Anne's County Public Schools, which included items such as stop the bleed kits, high speed cameras, sending 5 SROS to the NASRO training, "Safe Plans" system (services and full application system that will map out all their schools and put on software so they have access outside of the schools if there is ever an emergency within the building), alert notification software and suite, IP digital cameras.

Mr. Gorrell questioned the "Safe Plans" system and wanted to know what it was producing in regards to the layout of the school etc. that was different from what the schools already have on floor plans via the Maryland State Fire Marshal of the school.

Mr. Pignataro stated that there is additional documentation included that they sent that explains this in more detail and shows it's more comprehensive than just the other floor plans.

Dr. Salmon stated that she visits all of the school systems every year and she was able to visit a Cecil County high school and a middle school in Dorchester County, where she was able to see their new door locks and new security vestibule and how effective the door locks were which made her very happy.

Mr. Gorrell, after a brief review of the supporting documentation, stated that the program creates a responsible plan and there's a lot of involvement and meetings with local law enforcement etc.

Dr. Salmon asked for a motion to approve the grant.

Sec. Neall moved to approve the grant. Mr. Fields seconded the motion, which passed unanimously.

Dr. Salmon asked if there were any more grants to be entered into the system used by MSDE/MCSS to administer the grants.

Ms. Hession stated that they were almost complete; those were the last of the grants in need of approval.

Dr. Salmon commended everyone for all of their work through the process.

Sec. Neall stated that the Subcabinet should let the legislators know that all of the grant funds allocated for fiscal year 2019 have been allocated to the local school systems under the Safe Schools Fund.

Ms. Hession suggested that there be a future meeting before the next fiscal year to discuss how to better coordinate and report back on the Subcabinet Safe School Fund Grants vs. the IAC dollars from their school safety grants.

Dr. Salmon reminded the Subcabinet that the next meeting will be on April 15, 2019 at 100 Community Place, Crownsville, and asked if there were any other items to be discussed.

Upon hearing none, Dr. Salmon requested a motion to adjourn. Sec. Beatty moved to adjourn. Col. Pallozzi seconded the motion. The motion was approved unanimously.

The meeting was adjourned at 11:20 AM.