

HOUSE BILL 496

F1, J1

1lr1433

By: **Delegate Wilkins**

Introduced and read first time: January 15, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Mental Health Services – Expansion**
3 **(Counselors Not Cops Act)**

4 FOR the purpose of altering the membership of the School Safety Subcabinet Advisory
5 Board; requiring the President of the Senate and the Speaker of the House jointly to
6 appoint a chair of the Advisory Board; providing that a member appointed by the
7 Governor or jointly by the President of the Senate and Speaker of the House serves
8 at the pleasure of the appointing official; requiring the Maryland Center for School
9 Safety to collect certain data regarding school security employees in each local school
10 system; altering the fiscal years for which the Governor is required to include in the
11 annual budget bill a certain appropriation to the Safe Schools Fund to be used for
12 the purpose of providing grants to local school systems and local law enforcement
13 agencies to assist in meeting certain reporting requirements related to school
14 resource officers; requiring the Governor, beginning in a certain fiscal year, to
15 include in the annual budget bill a certain appropriation to the Safe Schools Fund to
16 be used for certain purposes related to expanding the availability of school-based
17 mental health services, restorative approaches, wraparound services, and
18 trauma-informed schools; requiring a local school system, to the extent practicable,
19 to use certain grants to contract with certain professionals who reflect the diversity
20 of the student population of the local school system; requiring the grants to be
21 distributed to each local school system based on a certain calculation; authorizing
22 the Subcabinet to deny a local school system a certain grant if the local school system
23 previously used grant funds for purposes outside of the purposes of the grant;
24 requiring the Subcabinet to adopt regulations establishing a process to withhold or
25 reinstate certain grants; requiring each local school system that receives a certain
26 grant to provide the Maryland Center for School Safety with evidence of how external
27 funding will be maximized to provide students with behavioral health and
28 wraparound services; requiring each local school system, on or before a certain date
29 each year, to submit a report with the Maryland Center for School Safety that
30 includes certain information; expanding the uses of the Safe Schools Fund; requiring
31 the State Board of Education to adopt regulations to carry out this Act; making

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



conforming changes; defining certain terms; altering certain definitions; and generally relating to mental health services and school safety in public schools in the State.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–1501, 7–1504, 7–1508(c) and (g), and 7–1512(e) through (g)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 7–1508(e)(2) and 7–1512(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY adding to
Article – Education
Section 7–1511.1
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

7–1501.

(a) In this subtitle the following words have the meanings indicated.

(b) “Advisory Board” means the School Safety Subcabinet Advisory Board.

(c) (1) “Behaviors of concern” means behaviors or threats that indicate a student may pose a risk of self-harm or harm to others.

(2) “Behaviors of concern” includes:

(i) Expressions of hopelessness;

(ii) Known drug use;

(iii) Suicidal gestures or statements; and

(iv) Known gang activity.

(d) “Center” means the Maryland Center for School Safety.

(E) “COMMUNITY SCHOOL” HAS THE MEANING STATED IN § 9.9–101 OF THIS ARTICLE.

[(e)] (F) “Drill” means a formalized exercise by which school system personnel, staff, or students rehearse a school emergency plan.

[(f)] (G) “Fund” means the Safe Schools Fund.

[(g)] (H) “Local law enforcement agency” means:

(1) A police department of a county or municipal corporation in the State;
or

(2) A sheriff’s office that provides a law enforcement function in a county or municipal corporation in the State.

(I) “RESTORATIVE APPROACHES” HAS THE MEANING STATED IN § 7–306 OF THIS TITLE.

[(h)] (J) “Safety evaluation” means a written assessment of the safety conditions in each public school, including ingress, egress, and access to areas of refuge for all students.

(K) “SCHOOL COUNSELOR” MEANS AN INDIVIDUAL WHO HAS BEEN CERTIFIED AS A SCHOOL COUNSELOR IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD.

[(i)] (L) “School emergency plan” means a plan for each local school system and each public school within the school system that addresses mitigation of, preparedness for, response to, and recovery from emergencies, including:

(1) Violent or traumatic events on school grounds during regular school hours or during school-sponsored activities; and

(2) Events in the community that affect school operations.

[(j)] (M) “SCHOOL PSYCHOLOGIST” MEANS AN INDIVIDUAL WHO IS CERTIFIED TO PROVIDE PSYCHOLOGICAL SERVICES TO CHILDREN IN A PUBLIC OR STATE-APPROVED NONPUBLIC SCHOOL SETTING, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD.

(N) “School resource officer” means:

(1) A law enforcement officer as defined under § 3–101(e) of the Public

Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3–101(b) of the Public Safety Article and the local education agency; or

(2) A Baltimore City school police officer, as defined in § 4–318 of this article.

[(k)] (O) “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;

(3) DOES NOT CARRY A FIREARM; AND

(4) DOES NOT HAVE THE AUTHORITY TO ARREST STUDENTS.

(P) “SCHOOL SOCIAL WORKER” MEANS AN INDIVIDUAL WHO IS LICENSED BY THE MARYLAND STATE BOARD OF SOCIAL WORK EXAMINERS AS A:

(1) MASTERS SOCIAL WORKER OR BACHELORS SOCIAL WORKER;

(2) CERTIFIED SOCIAL WORKER; OR

(3) CERTIFIED CLINICAL SOCIAL WORKER.

[(l)] (Q) “Subcabinet” means the School Safety Subcabinet.

(R) “TRAUMA–INFORMED SCHOOL” HAS THE MEANING STATED IN § 7–427.1 OF THIS TITLE.

[(m)] (S) “Wraparound services” means services provided to students, and their families as appropriate, including:

(1) Mentoring;

(2) Tutoring;

(3) Child care services;

(4) Housing referrals;

(5) Transportation;

(6) Crisis intervention;

(7) Substance abuse prevention and treatment;

(8) Legal aid;

(9) Academic counseling; and

(10) Career counseling.

7–1504.

(a) There is a School Safety Subcabinet Advisory Board.

(b) The Advisory Board shall include the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) One member of the House of Delegates, appointed by the Speaker of the House;

(3) A representative of local superintendents of schools, appointed by the Public School Superintendents' Association of Maryland;

(4) A representative of the Maryland Association of Boards of Education, appointed by the Association;

(5) A school psychologist [or licensed or clinical social worker], appointed by the State Superintendent;

(6) A LICENSED OR CLINICAL SOCIAL WORKER, APPOINTED BY THE STATE SUPERINTENDENT;

(7) A SCHOOL COUNSELOR, APPOINTED BY THE STATE SUPERINTENDENT;

(8) A RESTORATIVE APPROACHES PRACTITIONER, APPOINTED BY THE STATE SUPERINTENDENT;

(9) A BEHAVIORAL SPECIALIST, APPOINTED BY THE STATE SUPERINTENDENT;

(10) A COMMUNITY SCHOOL COORDINATOR, APPOINTED BY THE STATE SUPERINTENDENT;

**(11) ONE REPRESENTATIVE FROM A TRAUMA-INFORMED SCHOOL, OR
A SCHOOL WITH STRONG IMPLEMENTATION OF TRAUMA-INFORMED PRACTICES,
APPOINTED BY THE STATE SUPERINTENDENT;**

[(6)] (12) A special education administrator, appointed by the State Superintendent;

[(7)] (13) A classroom teacher, appointed jointly by the Maryland State Education Association and the Baltimore Teachers Union;

[(8)] (14) A school principal, appointed by the State Superintendent;

[(9)] (15) One representative of the Department of Human Services, appointed by the Secretary of Human Services;

[(10)] (16) One representative of the Department of Juvenile Services, appointed by the Secretary of Juvenile Services;

[(11)] (17) A school resource officer, appointed by the Maryland Association of School Resource Officers;

[(12)] (18) A sheriff, appointed by the Maryland Sheriffs' Association;

[(13)] (19) A chief of police, appointed by the Maryland Chiefs of Police Association, Inc.;

[(14)] (20) An emergency medical, fire, or rescue services professional, appointed by the Maryland Institute for Emergency Medical Services Systems;

[(15)] (21) The Director of the Maryland Coordination and Analysis Center, or the Director's designee;

[(16)] (22) One representative of the Maryland Assembly on School-Based Health Care, appointed by the Assembly;

[(17)] (23) One representative of the Maryland Association of Student Councils, appointed by the Association;

[(18)] (24) One representative of the Center for School Mental Health at the University of Maryland, Baltimore Campus, appointed by the Center for School Mental Health;

[(19)] (25) One representative of Disability Rights Maryland, appointed by Disability Rights Maryland; [and]

1 **(26) ONE REPRESENTATIVE FROM A COMMUNITY MEDIATION GROUP,**
2 **APPOINTED BY COMMUNITY MEDIATION MARYLAND; AND**

3 **[(20)] (27)** The following **[five] SIX** members of the public, appointed by the
4 Governor:

5 (i) A parent of a public school student in the State;

6 (ii) A parent of a child with disabilities who attends a school in the
7 State;

8 **(III) A PUBLIC SCHOOL STUDENT IN THE STATE WHO HAS**
9 **EXPERIENCED SCHOOL-BASED ARREST, OR THE STUDENT'S PARENT;**

10 **[(iii)] (IV)** A representative of a nonpublic school in the State;

11 **[(iv)] (V)** A representative of school bus drivers; and

12 **[(v)] (VI)** A representative of a nonpublic special education school.

13 (c) The **[Governor] PRESIDENT OF THE SENATE AND THE SPEAKER OF THE**
14 **HOUSE JOINTLY** shall appoint a chair of the Advisory Board from among its members.

15 (d) A member appointed by the Governor **OR THE PRESIDENT OF THE SENATE**
16 **AND THE SPEAKER OF THE HOUSE:**

17 (1) Serves at the pleasure of the **[Governor] OFFICIAL OR OFFICIALS**
18 **WHO APPOINTED THE MEMBER;**

19 (2) Serves for a term of 3 years and until a successor is appointed and
20 qualifies; and

21 (3) May be reappointed but may not serve more than two consecutive
22 terms.

23 (e) A member of the Advisory Board:

24 (1) May not receive compensation as a member of the Advisory Board; but

25 (2) Is entitled to reimbursement for expenses under the Standard State
26 Travel Regulations, as provided in the State budget.

27 (f) The Advisory Board shall meet regularly at such times and places as it
28 determines.

(g) The Advisory Board shall provide the Subcabinet with advice and assist the Subcabinet in completing its duties.

7-1508.

(c) The Center shall collect data regarding the school resource officers **AND SCHOOL SECURITY EMPLOYEES** in each local school system, including:

(1) The number of full-time and part-time school resource officers **AND SCHOOL SECURITY EMPLOYEES** assigned to each elementary school, middle school, and high school; and

(2) Any other local school system employees or local law enforcement officers who are fulfilling the role of a school resource officer **OR SCHOOL SECURITY EMPLOYEE**.

(e) (2) Beginning with the 2019-2020 school year, and each school year thereafter, before the school year begins, each local school system shall, in accordance with the plan developed under subsection (d)(2) of this section, file a report identifying:

(i) The public schools in the local school system's jurisdiction that have a school resource officer assigned to the school; and

(ii) If a public school in the local school system's jurisdiction is not assigned a school resource officer, the adequate local law enforcement coverage that will be provided to the public school.

(g) (1) For fiscal [year] **YEARS 2020 [and each fiscal year thereafter] THROUGH 2022**, 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 subsection (e) of this section.

(2) Grants provided under this subsection shall 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.

7-1511.1.

(A) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$10,000,000 TO THE FUND FOR THE PURPOSE OF PROVIDING GRANTS TO LOCAL SCHOOL SYSTEMS TO BE USED ONLY FOR:

(1) HIRING OR CONTRACTING WITH SCHOOL PSYCHOLOGISTS, SCHOOL SOCIAL WORKERS, SCHOOL COUNSELORS, AND BEHAVIORAL SPECIALISTS

1 TO EXPAND THE AVAILABILITY OF SCHOOL-BASED MENTAL HEALTH SERVICES AND
2 BEHAVIORAL SUPPORTS FOR STUDENTS;

3 (2) HIRING OR CONTRACTING WITH RESTORATIVE APPROACHES
4 COORDINATORS AND EXPANDING RESTORATIVE APPROACHES PROGRAMMING IN
5 THE SCHOOL SYSTEM;

6 (3) HIRING OR CONTRACTING WITH COMMUNITY SCHOOL
7 COORDINATORS, DEVELOPING COMMUNITY SCHOOLS, AND PROVIDING
8 WRAPAROUND SERVICES IN THE SCHOOL SYSTEM; AND

9 (4) DEVELOPING TRAUMA-INFORMED SCHOOLS IN THE SCHOOL
10 SYSTEM.

11 (B) TO THE EXTENT PRACTICABLE, A LOCAL SCHOOL SYSTEM SHALL USE
12 THE GRANTS PROVIDED UNDER THIS SECTION TO HIRE AND CONTRACT WITH
13 PROFESSIONALS UNDER SUBSECTION (A) OF THIS SECTION WHO REFLECT THE
14 DIVERSITY OF THE STUDENT POPULATION OF THE LOCAL SCHOOL SYSTEM.

15 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE GRANTS
16 PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE MADE TO EACH
17 LOCAL SCHOOL SYSTEM BASED ON THE NUMBER OF SCHOOLS IN EACH LOCAL
18 SCHOOL SYSTEM IN PROPORTION TO THE TOTAL NUMBER OF PUBLIC SCHOOLS IN
19 THE STATE IN THE IMMEDIATELY PRECEDING SCHOOL YEAR.

20 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS SECTION, THE
21 SUBCABINET MAY DENY A LOCAL SCHOOL SYSTEM A GRANT IF THE LOCAL SCHOOL
22 SYSTEM PREVIOUSLY USED GRANT FUNDS PROVIDED UNDER THIS SECTION FOR A
23 PURPOSE OTHER THAN THE PURPOSES LISTED UNDER SUBSECTION (A) OF THIS
24 SECTION.

25 (II) THE SUBCABINET SHALL ADOPT REGULATIONS
26 ESTABLISHING A PROCESS TO WITHHOLD OR REINSTATE GRANT FUNDS UNDER THIS
27 SECTION.

28 (D) EACH LOCAL SCHOOL SYSTEM THAT RECEIVES A GRANT UNDER
29 SUBSECTION (A) OF THIS SECTION SHALL PROVIDE THE CENTER WITH EVIDENCE OF
30 HOW EXTERNAL FUNDING WILL BE MAXIMIZED TO PROVIDE STUDENTS WITH
31 BEHAVIORAL HEALTH AND WRAPAROUND SERVICES, INCLUDING THROUGH THE
32 SUBMISSION OF CLAIMS TO HEALTH INSURANCE PLANS FOR ANY COVERED HEALTH
33 SERVICES, IF APPLICABLE.

34 (E) ON OR BEFORE SEPTEMBER 1, 2021, AND EACH SEPTEMBER 1

1 THEREAFTER, EACH LOCAL SCHOOL SYSTEM SHALL SUBMIT A REPORT TO THE
2 CENTER THAT INCLUDES:

3 (1) THE NUMBER OF INDIVIDUALS SERVING IN THE LOCAL SCHOOL
4 SYSTEM AS:

5 (I) SCHOOL SOCIAL WORKERS;

6 (II) SCHOOL PSYCHOLOGISTS;

7 (III) SCHOOL COUNSELORS; AND

8 (IV) BEHAVIORAL SPECIALISTS;

9 (2) FOR EACH OF THE INDIVIDUALS LISTED UNDER PARAGRAPH (1)
10 OF THIS SUBSECTION, THE INDIVIDUAL'S:

11 (I) FULL-TIME EQUIVALENT STATUS;

12 (II) PRIMARY JOB DUTIES;

13 (III) SCHOOL ASSIGNMENTS; AND

14 (IV) STUDENT CASELOADS;

15 (3) A STATEMENT THAT:

16 (I) CONFIRMS THAT A LOCAL SCHOOL SYSTEM EMPLOYS A
17 SUFFICIENT NUMBER OF SCHOOL PSYCHOLOGISTS, SCHOOL SOCIAL WORKERS, AND
18 SCHOOL COUNSELORS TO SATISFY THE CASELOAD STANDARDS ESTABLISHED BY
19 THE NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS, THE NATIONAL
20 ASSOCIATION OF SOCIAL WORKERS, AND THE AMERICAN SCHOOL COUNSELOR
21 ASSOCIATION; OR

22 (II) PROVIDES A DESCRIPTION OF THE STEPS THAT THE LOCAL
23 SCHOOL SYSTEM HAS TAKEN DURING THE IMMEDIATELY PRECEDING FISCAL YEAR
24 TO ACHIEVE PROGRESS TOWARD SATISFYING THE CASELOAD STANDARDS AND
25 OTHERWISE ADDRESS THE STUDENT MENTAL HEALTH AND BEHAVIORAL SUPPORT
26 NEEDS OF ITS STUDENT POPULATION;

27 (4) (I) THE NUMBER OF COMMUNITY SCHOOLS IN THE LOCAL
28 SCHOOL SYSTEM;

1 **(II) THE NUMBER OF STUDENTS AND PARENTS THAT THE**
2 **COMMUNITY SCHOOLS SERVE; AND**

3 **(III) ANY STEPS THE LOCAL SCHOOL SYSTEM HAS TAKEN IN THE**
4 **IMMEDIATELY PRECEDING SCHOOL YEAR TO EXPAND ITS NUMBER OF COMMUNITY**
5 **SCHOOLS;**

6 **(5) (I) THE NUMBER OF TRAUMA-INFORMED SCHOOLS IN THE**
7 **LOCAL SCHOOL SYSTEM;**

8 **(II) THE NUMBER OF STUDENTS AND PARENTS THAT THE**
9 **TRAUMA-INFORMED SCHOOLS SERVE;**

10 **(III) A DESCRIPTION OF THE TRAUMA-INFORMED PRACTICES**
11 **USED IN ALL SCHOOLS IN THE LOCAL SCHOOL SYSTEM, INCLUDING**
12 **TRAUMA-INFORMED SCHOOLS; AND**

13 **(IV) ANY STEPS THE LOCAL SCHOOL SYSTEM HAS TAKEN IN THE**
14 **IMMEDIATELY PRECEDING SCHOOL YEAR TO EXPAND ITS NUMBER OF**
15 **TRAUMA-INFORMED SCHOOLS;**

16 **(6) A DESCRIPTION OF HOW THE LOCAL SCHOOL SYSTEM USED ANY**
17 **GRANT FUNDS RECEIVED UNDER THIS SECTION IN THE IMMEDIATELY PRECEDING**
18 **SCHOOL YEAR, INCLUDING HIRING AND CONTRACTING WITH PROFESSIONALS IN**
19 **ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION;**

20 **(7) A DESCRIPTION OF THE RESTORATIVE APPROACHES**
21 **PROGRAMMING THAT THE LOCAL SCHOOL SYSTEM OFFERS; AND**

22 **(8) A DESCRIPTION OF THE WRAPAROUND SERVICES OFFERED TO**
23 **STUDENTS AT EACH SCHOOL IN THE LOCAL SCHOOL SYSTEM.**

24 **(F) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
25 **SECTION.**

26 7-1512.

27 (a) There is a Safe Schools Fund.

28 (e) The Fund consists of:

29 (1) Money credited to the Fund under § 17-106(e) of the Transportation
30 Article;

(2) Money appropriated in the State budget to the Fund;

(3) Money appropriated to the Fund under **[§] §§ 7–1508 AND 7–1511.1** of this subtitle;

(4) Money from any other source accepted for the benefit of the Fund; and

(5) Any interest earnings of the Fund.

(f) Except as provided in subsection (g) of this section, the Fund may be used only to provide grants to local school systems to enhance school safety, including:

(1) Conducting training for students and school personnel on de-escalation of situations and identifying and reporting behaviors of concern;

(2) Conducting training of assessment teams;

(3) Conducting school safety evaluations;

(4) Establishing formal and anonymous mechanisms for reporting safety concerns;

(5) Reimbursing local law enforcement agencies for school resource officer training provided by the Center;

(6) Enrolling school security employees in training provided by the Center;

(7) **[Developing plans to deliver school-based behavioral health and other wraparound services to students who exhibit behaviors of concern, including establishing systems to maximize external funding for services] PROVIDING MENTAL HEALTH SERVICES, WRAPAROUND SERVICES, AND BEHAVIORAL SUPPORTS;**

(8) DEVELOPING TRAUMA-INFORMED SCHOOLS;

(9) IMPLEMENTING RESTORATIVE APPROACHES IN ACCORDANCE WITH § 7–1511.1 OF THIS SUBTITLE;

[(8)] (10) Outreach to the broader school community to improve school safety, including to heighten awareness of existing mental health services and other services;

[(9)] (11) Providing information to students and parents on traveling safely to and from school, including data related to bus and pedestrian safety, strategies for ensuring personal safety, efforts of the local school system to improve safety, and information on available options for reporting incidents and concerns; and

1 ~~[(10)]~~ **(12)** Assisting local school systems to improve and monitor traffic
2 control measures in the immediate vicinity of schools to reduce the potential for pedestrian
3 and vehicle accidents.

4 (g) **(1)** ~~[Beginning in]~~ **FOR** fiscal ~~[year]~~ **YEARS** 2020 ~~[and each fiscal year~~
5 thereafter] **THROUGH 2022**, at least \$10,000,000 of the money in the Fund shall be used
6 to provide grants to local school systems and local law enforcement agencies as provided
7 under § 7–1508 of this subtitle.

8 **(2) BEGINNING IN FISCAL YEAR 2023 AND EACH FISCAL YEAR**
9 **THEREAFTER, AT LEAST \$10,000,000 OF THE MONEY IN THE FUND SHALL BE USED**
10 **TO PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS AS PROVIDED UNDER § 7–1511.1**
11 **OF THIS SUBTITLE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2021.