

HOUSE BILL 1247

F1, E4

9lr1663

By: **Delegates Cox and Krebs**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **No Fear in Education Act – Student Protection in School**
3 **(Meadow Pollack’s Law)**

4 FOR the purpose of requiring each public school and certain nonpublic schools to have at
5 least a certain number of trained individuals who have a certain permit and carry a
6 handgun or at least a certain number of school resource officers who carry firearms;
7 requiring each county board of education and certain nonpublic schools to report
8 certain information to the Maryland Center for School Safety; repealing certain
9 reporting requirements; amending the purpose for which a certain appropriation in
10 the State budget may be used; requiring the State Department of Education to adopt
11 certain regulations to incorporate certain components into the annual schedule of
12 drills; requiring that certain drills include certain procedures for students or school
13 personnel; requiring certain schools to develop a single–point–of–entry system that
14 meets certain requirements; requiring certain schools to have bullet–resistant glass
15 that meets certain requirements; requiring the School Safety Grant Program to
16 provide grants to certain schools for a single–point–of–entry system and
17 bullet–resistant glass for classrooms; providing that certain school resource officers
18 or trained individuals who fail to respond to a threat of violence in a certain manner
19 are liable for damages in a civil action; authorizing damages for a certain civil action
20 to include punitive damages and attorney’s fees; requiring that certain employees
21 who fail to respond to a threat of violence in a certain manner, subject to certain
22 requirements, be investigated and, if found to have failed to respond, be removed;
23 providing that an employee removed in a certain manner is entitled to certain
24 administrative review; and generally relating to school safety.

25 BY repealing and reenacting, with amendments,
26 Article – Education
27 Section 5–317, 7–1508(e), and 7–1509
28 Annotated Code of Maryland
29 (2018 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Education
3 Section 7–1508(g)
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2018 Supplement)

6 BY adding to
7 Article – Education
8 Section 7–1513 and 7–1514
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2018 Supplement)

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

13 **Article – Education**

14 5–317.

15 (a) In this section, “Program” means the School Safety Grant Program.

16 (b) (1) There is a School Safety Grant Program.

17 (2) The purpose of the Program is to provide grants to county boards for
18 school security improvements, including:

19 (i) Secure and lockable classroom doors for each classroom in the
20 school;

21 (ii) An area of safe refuge in each classroom in the school; and

22 (iii) Surveillance and other security technology for school monitoring
23 purposes.

24 (c) The Program shall be implemented and administered by the Interagency
25 Commission, in consultation with the Maryland Center for School Safety.

26 (d) The Interagency Commission shall:

27 (1) Provide grants to county boards for public school security
28 improvements;

29 (2) Develop a procedure for a county board to apply for a grant under the
30 Program; and

31 (3) Develop eligibility requirements for a county board to receive a grant
32 under the Program.

1 (e) In addition to the annual amount otherwise provided in the capital
2 improvement program of the Public School Construction Program, the Governor shall
3 provide an additional \$10,000,000 in the annual operating or capital budget bill that may
4 be used only to award grants under the Program.

5 **(F) IN ADDITION TO ANY OTHER GRANTS PROVIDED UNDER THE PROGRAM,**
6 **THE INTERAGENCY COMMISSION SHALL PROVIDE GRANTS TO COUNTY BOARDS AND**
7 **NONCOLLEGIATE EDUCATIONAL INSTITUTIONS THAT HAVE A CERTIFICATE OF**
8 **APPROVAL UNDER § 2-206 OF THIS ARTICLE TO ENSURE THAT, IN ACCORDANCE**
9 **WITH § 7-1513 OF THIS ARTICLE, EACH ELIGIBLE SCHOOL HAS:**

10 **(1) A SINGLE-POINT-OF-ENTRY SYSTEM; AND**

11 **(2) BULLET-RESISTANT GLASS FOR CLASSROOMS.**

12 **[(f)] (G)** The State funding provided under the Program is supplemental to and
13 is not intended to take the place of funding that would otherwise be appropriated for public
14 school construction purposes to a county board from any other source.

15 **[(g)] (H)** The Interagency Commission shall adopt regulations necessary to
16 implement this section.

17 7-1508.

18 (e) **[(1)]** Before the 2018-2019 school year begins, each local school system shall
19 file a report with the Center identifying:

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

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

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

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

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

1 **(1) EACH PUBLIC SCHOOL AND EACH NONCOLLEGIATE EDUCATIONAL**
2 **INSTITUTION THAT HAS A CERTIFICATE OF APPROVAL UNDER § 2-206 OF THIS**
3 **ARTICLE SHALL HAVE:**

4 **(I) AT LEAST TWO TRAINED INDIVIDUALS WHO:**

5 1. **HAVE UNDERGONE TRAINING IN ACCORDANCE WITH**
6 **THIS SECTION;**

7 2. **HAVE A HANDGUN PERMIT ISSUED UNDER TITLE 5,**
8 **SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; AND**

9 3. **CARRY A HANDGUN; OR**

10 **(II) AT LEAST TWO SCHOOL RESOURCE OFFICERS WHO HAVE**
11 **UNDERGONE TRAINING IN ACCORDANCE WITH THIS SECTION AND CARRY FIREARMS.**

12 **(2) BEFORE EACH SCHOOL YEAR BEGINS, EACH COUNTY BOARD AND**
13 **EACH NONCOLLEGIATE EDUCATIONAL INSTITUTION THAT HAS A CERTIFICATE OF**
14 **APPROVAL UNDER § 2-206 OF THIS ARTICLE SHALL REPORT TO THE CENTER ON ITS**
15 **PROGRESS TOWARD MEETING THE REQUIREMENTS OF THIS SUBSECTION.**

16 (3) On or before October 1, 2018, and each October 1 thereafter, the Center
17 shall submit a summary of the reports required under this subsection to the Governor and,
18 in accordance with § 2-1246 of the State Government Article, the General Assembly.

19 (g) (1) For fiscal year 2020 and each fiscal year thereafter, the Governor shall
20 appropriate in the annual State budget \$10,000,000 to the Fund for the purpose of
21 providing grants to local school systems and local law enforcement agencies to assist in
22 meeting the requirements of subsection (e) of this section.

23 (2) Grants provided under this subsection shall be made to each local
24 school system based on the number of schools in each school system in proportion to the
25 total number of public schools in the State in the prior year.

26 7-1509.

27 (a) The Department, in consultation with the Subcabinet, [may] **SHALL** adopt
28 regulations to incorporate in the annual schedule of drills for each local school system
29 developmentally and age-appropriate components of:

30 (1) The Active Shooter Preparedness Program developed by the
31 Department of Homeland Security or guidelines; or

32 (2) The active shooter guidelines adopted by the Maryland Active Assailant

1 Work Group established under Executive Order 01.01.2018.08.

2 (b) Drills incorporated into the annual schedule of drills under subsection (a) of
3 this section [may] **SHALL** include developmentally and age-appropriate procedures for
4 students or school personnel in:

5 (1) Securing classrooms;

6 (2) Barricading classrooms and school entries;

7 (3) Taking refuge in the classroom; [and]

8 (4) When appropriate, escape from the classroom or school;

9 **(5) RESPONDING TO A BOMB THREAT; AND**

10 **(6) MENTAL HEALTH COUNSELING.**

11 (c) The Department shall notify the Governor and, in accordance with § 2–1246
12 of the State Government Article, the Legislative Policy Committee of proposed changes to
13 regulations that alter the annual schedule of drills as provided under this section.

14 (d) Each local school system shall collaborate with the local law enforcement
15 agency to establish policies for responding to an emergency at each public school in the
16 county.

17 **7–1513.**

18 **(A) (1) EACH PUBLIC SCHOOL AND EACH NONCOLLEGIATE EDUCATIONAL**
19 **INSTITUTION THAT HAS A CERTIFICATE OF APPROVAL UNDER § 2–206 OF THIS**
20 **ARTICLE SHALL DEVELOP A SINGLE-POINT-OF-ENTRY SYSTEM.**

21 **(2) THE SINGLE-POINT-OF-ENTRY SYSTEM DEVELOPED UNDER THIS**
22 **SUBSECTION SHALL:**

23 **(I) ALLOW FOR THE IDENTIFICATION OF ANY INDIVIDUAL**
24 **ENTERING INTO THE SCHOOL; AND**

25 **(II) INCLUDE LOCKS ON ANY DOORS ALLOWING EGRESS FROM**
26 **THE SCHOOL, OTHER THAN AT THE SINGLE POINT OF ENTRY, SO THAT NO ONE MAY**
27 **ENTER THE SCHOOL BY OTHER DOORS.**

28 **(B) (1) EACH PUBLIC SCHOOL AND EACH NONCOLLEGIATE EDUCATIONAL**
29 **INSTITUTION THAT HAS A CERTIFICATE OF APPROVAL UNDER § 2–206 OF THIS**
30 **ARTICLE SHALL HAVE BULLET-RESISTANT GLASS IN ALL OF ITS CLASSROOM**

1 WINDOWS.

2 **(2) EACH CLASSROOM SHALL HAVE A BULLET-RESISTANT WINDOW**
3 **FACING THE INNER HALLWAY TO ALLOW THOSE INSIDE TO VIEW ANYONE ENTERING**
4 **THE CLASSROOM FROM MULTIPLE VANTAGE POINTS.**

5 **7-1514.**

6 **(A) (1) A SCHOOL RESOURCE OFFICER OR TRAINED INDIVIDUAL**
7 **REQUIRED UNDER § 7-1508 OF THIS SUBTITLE TO BE AT A PUBLIC SCHOOL OR A**
8 **NONCOLLEGIATE EDUCATIONAL INSTITUTION SHALL BE LIABLE FOR DAMAGES IN A**
9 **CIVIL ACTION IF THE SCHOOL RESOURCE OFFICER OR TRAINED INDIVIDUAL:**

10 **(I) DOES NOT RESPOND TO AN INDIVIDUAL WHO POSES A**
11 **THREAT OF VIOLENCE TO THE SCHOOL;**

12 **(II) FAILS TO ENTER A ROOM IN WHICH A POTENTIALLY**
13 **VIOLENT INDIVIDUAL IS KNOWN TO BE; OR**

14 **(III) FAILS TO USE FORCE, INCLUDING LETHAL FORCE, AGAINST**
15 **A VIOLENT INDIVIDUAL IF THE SITUATION REQUIRES THE USE OF FORCE.**

16 **(2) DAMAGES SOUGHT UNDER THIS SECTION MAY INCLUDE PUNITIVE**
17 **DAMAGES AND ATTORNEY'S FEES.**

18 **(B) (1) AN EMPLOYEE OF A COUNTY BOARD OR LOCAL LAW**
19 **ENFORCEMENT AGENCY WHO IS ACCUSED OF FAILING TO RESPOND TO A THREAT OF**
20 **VIOLENCE IN ONE OF THE MANNERS LISTED IN SUBSECTION (A)(1) OF THIS SECTION**
21 **SHALL, SUBJECT TO ANY CONTRACTUAL OR STATUTORY REQUIREMENTS:**

22 **(I) BE INVESTIGATED; AND**

23 **(II) IF FOUND TO HAVE FAILED TO RESPOND BY A**
24 **PREPONDERANCE OF THE EVIDENCE, BE REMOVED.**

25 **(2) ANY EMPLOYEE REMOVED UNDER THIS SUBSECTION IS ENTITLED**
26 **TO THE ADMINISTRATIVE REVIEW OTHERWISE PROVIDED FOR IN LAW.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2019.