



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 28, 2020

SUBJECT: COMAR 13A.02.02.03-.04
Emergency Plan
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to request permission to publish the amended regulation of COMAR 13A.02.02.03-.04 *Emergency Plans* that relates to emergency evacuation plans. This regulation incorporates by reference the Maryland State Department of Education (MSDE) *Emergency Planning Guidelines for Local School Systems and Schools* (October 2017) (*Guidelines*). The *Guidelines* have been updated, necessitating that the reference to the *Guidelines* be updated in COMAR.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

In 2018, the Maryland General Assembly enacted Senate Bill 1265 – *Maryland Safe to Learn Act of 2018* (Md. Educ. Art. §7-1510). The legislation required that on or before December 1, 2019, the MSDE must update the *Emergency Planning Guidelines for Local School Systems and Schools* (October 2017) to accommodate the findings made in safety evaluations which were required by *Maryland Safe to Learn Act of 2018*.

The revised *Emergency Planning Guidelines for Local School Systems and Schools* (December 2019) updates the four phases of emergency management (prevention, mitigation, response, and recovery) to five, adding “protection”; incorporates the principles of Crime Prevention through Environmental Design (CPTED); expands language to emphasize Standard Response Protocol (SRP); emphasizes the importance of providing modifications for students with disabilities and/or developmental delays; describes the role of the local mental health coordinator; and references the Behavioral Threat Assessment Model Policy as a guide to establish behavioral threat assessment teams.

EXECUTIVE SUMMARY:

The proposed amendment to COMAR 13A.02.02.03-.04 will change the reference to the Maryland State Department of Education *Emergency Planning Guidelines for Local School Systems and Schools* to its current revision, dated December 2019.

ACTION:

Request permission to publish the amendment to COMAR 13A.02.02.03-.04 *Emergency Plans*.

ATTACHMENTS:

COMAR 13A.02.02.03-.04 *Emergency Plans*
Emergency Planning Guidelines for Local School Systems and Schools (December 2019)

Title 13A
STATE BOARD OF EDUCATION
Subtitle 02 LOCAL SCHOOL ADMINISTRATION
Chapter 02 Emergency Plans

Authority: Education Article, §§2-205, 7-435, and 8-702, Annotated Code of Maryland;
 Federal Statutory Reference: 20 U.S.C. 7114 and 20 U.S.C. 7118

.01 Scope.

This chapter sets forth the requirements for emergency plans that shall be developed and implemented by each local school system in Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Local school system" means any of the 24 local public school systems in the State.

(2) "School emergency plan" means a plan for each public school grounds within the local school system that addresses mitigation, prevention, preparation, response, and recovery to an emergency including responding to:

- (a) Violent or traumatic events on school grounds during regular school hours or during school-sponsored activities; or
- (b) Events in the community that affect normal school functioning.

(3) "Central administration emergency plan" means a plan for each local school system and the SEED School that addresses mitigation, prevention, preparation, response, and recovery to an emergency including responding to:

- (a) Violent or traumatic events on school grounds during regular school hours or during school-sponsored activities; or
- (b) Events in the community that affect normal school functioning.

(4) "Drill" means a formalized exercise by which school system personnel, school staff, or students rehearse the plan or portions of the plan.

(5) "Mitigation" means a preventative action taken to reduce the loss of life or damage to property from all hazards.

(6) "Public school grounds" means local school system owned or leased buildings, the SEED School, and the land that surrounds the school building.

(7) "SEED School" means the residential boarding education program operated under the supervision of the Department.

.03 Incorporation by Reference.

The Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(October 2017)] (December 2019) is incorporated by reference.

.04 Emergency Plan.

C. In consultation with other health and safety officials in the local community, each local school system and the SEED School shall develop an emergency plan for all public school grounds to include maintenance, transportation, and central administration office under its jurisdiction that:

- (1) Deals with the contingencies of man-made, technological, and natural hazards;
- (2) Conforms to the requirements of this chapter; and

(3) Aligns with the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(October 2017)] (December 2019).

D. Each local school system and the SEED School shall ensure that:

(1) Each school facility under its jurisdiction has a school emergency plan that is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools [(October 2017)] (December 2019) and that a copy of each school emergency plan is on file at the central administration office.

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(2) A central administration emergency plan that is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools [(October 2017)] (December 2019) is on file in each school grounds under its jurisdiction.

E. Each local school system and the SEED School shall develop and implement an annual schedule of drills for each school grounds within the system. In addition to fire drills, the following drills shall be conducted annually:

- (1) Evacuation;
- (2) Shelter in place;
- (3) Reverse evacuation;
- (4) Lock down;
- (5) Drop, cover, and hold; and
- (6) Severe weather.

.05 Annual Certification.

F. By September 30 of each year, each local superintendent of schools and the Head of the SEED School shall certify to the State Superintendent that the requirements of this chapter are being implemented.

G. By September 30 of each year, each local superintendent of schools and the Head of the SEED School shall send a copy of the local school system's central administration emergency plan to the State Superintendent of Schools, if updated from the previous year.

Administrative History

Effective date: January 6, 2005 (31:26 Md. R. 1864)

Chapter revised effective November 25, 2013 (40:23 Md. R. 1935)
Regulation .03 amended effective June 18, 2018 (45:12 Md. R. 618)
Regulation .04A, B amended effective June 18, 2018 (45:12 Md. R. 618)