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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: December 5, 2017

SUBJECT: COMAR 13A.02.02.03-04
Emergency Plans

PERMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to request permission to publish the amended regulation for 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 Emergency Planning Guidelines for Local School Systems and Schools (April 2013). 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, the 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:

In 2017, the Maryland General Assembly enacted House Bill 1061 – Education - Emergency and Evacuation Plans – Individuals with Disabilities (Md. Educ. Art. § 7-435). The legislation required that the MSDE update the emergency planning guidelines for local school systems to accommodate students, staff, and visitors with disabilities on public school grounds in accordance with the federal American with Disabilities Act.

The Maryland State Department of Education convened a workgroup including representatives of local school systems, the Maryland Center for School Safety, and the disability advocacy community. The workgroup reviewed the current guidelines and the requirements of HB 1061. A revision of Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools was approved by the State Board on October 24, 2017.

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 October 2017.

ACTION:

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

13A.02.02 – *Emergency Plans*

.03 Incorporation by Reference.

The Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (October 2017) is incorporated by reference.

.04 Emergency Plan.

- A. 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 [(April 2013)] (October 2017).
- B. 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 [(April 2013)] (October 2017) and that a copy of each school emergency plan is on file at the central administration office.
 - (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 [(April 2013)] (October 2017) is on file in each school grounds under its jurisdiction.
- C. 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.