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**TO:** Members of the State Board of Education  
**FROM:** Lillian M. Lowery, Ed.D. *Lillian M. Lowery*  
**DATE:** September 24, 2013  
**SUBJECT:** COMAR 13A.02.02.01-.04  
Emergency Plans  
ADOPTION

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**PURPOSE:**

The purpose of this action is to request the State Board of Education adopt the Code of Maryland Regulations (COMAR) 13A.02.02.01-.04, Emergency Plans, as amended after review of the public comments. (ATTACHMENT I).

**BACKGROUND/HISTORICAL PERSPECTIVE:**

In October 2003, the *Emergency Planning Guidelines for Local School Systems and Schools* was developed and disseminated. The guidelines were recently revised (April 2013) to reflect current protocols and lessons learned. Feedback and suggestions were provided by superintendents and other key stakeholders. A subsequent review of COMAR 13A.02.02.01-.04, *Emergency Plans*, revealed that the regulation needs to be changed to conform to the revised guidelines and to emphasize the need to conduct annual drills.

**EXECUTIVE SUMMARY:**

On May 21, 2013, the State Board of Education discussed and approved COMAR 13A.02.02.01-.04, Emergency Plans, for publication and public comment.

The following major changes were reflected in the amended regulation that were published:

- Emergency plans for local school systems (LSSs) and schools must align with the *Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools (April 2013)*;
- Additional definitions were added for clarity and ease of reference; and
- The types of drills were expanded to require LSSs and schools to practice for a broader range of emergencies.

The public comment period ended August 26, 2013 and one comment was received from the Maryland Association of Boards of Education. It was supportive but with recommendations.

The recommendations were reviewed and evaluated by Maryland State Department of Education (MSDE) staff. MSDE staff recommendations and rationale are attached (ATTACHMENT II).

Through reflection and review MSDE staff realized that the definition of school grounds was not fully aligned with other definitions used in COMAR. The definition was aligned to COMAR 13A.02.04 (LSS owned or leased "buildings" and "land that surrounds a school building"). However, COMAR 13A.08.01.18 includes school vehicles, (local school system owned or leased building and land that surrounds a school building and also includes school vehicles). Therefore, MSDE recommends changing 13A.02.02.02.B(6) from:

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

to

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

**ACTION:**

I request recommending adoption of COMAR 13A.02.02.01-.04 as attached (ATTACHMENT I).

LML:SAD

Attachments

**13A.02.02.01-.04**

**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 and the SEED School 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 and also includes school vehicles.

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

**.03 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 (March 2013)*.

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 aligns with the *MSDE Emergency Planning Guidelines for Local School Systems and Schools (March 2013)* and that a copy of each school emergency plan is on file at the central administration office.
- (2) A central administration emergency plan that meets the criteria outlined in the *MSDE Emergency Planning Guidelines for Local School Systems and Schools (March 2013)* 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
- (6) Severe weather

**.04 Annual Certification.**

By September 30<sup>th</sup> 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.

By September 30<sup>th</sup> 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.

**COMAR 13A.02.02.01-.04, *Emergency Plans*  
Maryland State Department of Education's Recommendations and  
Rationale for Public Open Period Comments**

Recommendations/Proposed Amendments	MSDE Recommendations & Rationale
<p><b>13A.02.02.04.B</b></p> <p>To be consistent with 13A.02.02.04.A., which states that local emergency plans shall “be aligned with” the MSDE Guidelines, MABE requests that the references to the relationship between the MSDE Guidelines and local plans in 13A.02.02.04.B (1) and (2) be amended from “that meets the criteria outlined in” to “that is aligned with” the criteria outlined in the MSDE Guidelines.</p> <p>[Maryland Association of Boards of Education]</p>	<p><b>Adopt</b></p>
<p><b>13A.02.02.04.C</b></p> <p>“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 <u>annual</u> fire drills, the following drills shall be conducted <u>annually in accordance with the local board’s emergency plan</u>:</p> <p>(1) Evacuation;                  (2) Shelter in place;                  (3) Reverse evacuation;                  (4) Lock down;                  (5) Drop, cover, and hold; and                  (6) Severe weather.”</p> <p>[Maryland Association of Boards of Education]</p>	<p><b>Do Not Adopt</b></p> <p>Based on the body of the letter to MSDE, the rationale for this change is because the “scope” is being expanded to system owned and leased facilities. However, the definition of school grounds in the proposed amendments will bring the regulation in line with how it is defined in other areas of COMAR, which includes COMAR 13A.02.04 (local school system owned or leased “buildings “and “land that surrounds a school building”) and 13A.08.01.18, (local school system owned or leased building and land that surrounds a school building and also includes school vehicles).</p> <p>Moreover, in 20 USC 7114(d)(7)(D), which is one of the rationales for the regulation, school grounds is the term used in the required crisis management plan.</p> <p>The choice to align the definition of school grounds to include owned or leased buildings is to be assured to include buildings that are used for alternative school settings that may not take place in a traditional school building and that are leased by the local school system to educate children.</p> <p>In addition, all local school system facilities should have an emergency plan and conduct drills as well in an effort to ensure the safety of staff at these locations; provide for secession of staffing as needed by the use of the incident command structure; and secure infrastructure, resources, student records, and methods of communication. According to consultation with the State’s Attorney General, including other school facilities such as maintenance, bus garages, tool shops, etc.</p>

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	<p>would not be an over-reach of State Board of Education's authority. Emergencies can occur anywhere and an emergency plan for the variety of locations is reasonable.</p> <p>There is no requirement that drills be done in any particular fashion, combined or in isolation.</p> <p>Research supports the six universal drills as response to the multitude of emergency situations that can occur. It would be dangerous to eliminate any or all of the six universal drills. In addition, by removing the annual requirement to practice these six drills, local school systems could pick and chose which of the six drills they would want to practice on a given year. In addition, research supports that repetition of practice leads to fluency in action during a crisis and therefore regular (annual) practice is necessary.</p> <p>As schools practice responses for various emergency situations, the appropriate universal drill and/or combination can be used as a response, communicated to staff and students, and practiced for fluency.</p>
<p>Request the revision of the assertion by MSDE that these proposed regulations will have no fiscal impact on local school systems. In making this statement, the Department has failed to acknowledge the following costs:</p> <ul style="list-style-type: none"> <li>• Implementing 6 new emergency preparedness drills during the course of the school year will require additional professional development, the publication of new training materials, and subtract from available instructional time. The latter issue may be significant enough to warrant additional days of instruction in the school calendar, resulting in significant budget adjustments.</li> <li>• Adopting new school system emergency plans and separate plans for each school will require professional development for administrators, school security officers, and teachers; and the costs of publishing these new plans includes the 24 system-wide plans, separate school/facility-specific plans (more than 1450 schools, plus the numerous administrative buildings proposed to be included), and also revised emergency instructions in individual classrooms.</li> </ul> <p>[Maryland Association of Boards of Education]</p>	<p><b>Do Not Adopt</b></p> <p>The fiscal impact that MABE proposes is added as a result of the regulation is an inherent part of regular school functioning and course of providing educational services, which include ensuring the safety of students and staff.</p> <p>Specifically related to drill implementation and adoption of new emergency guidelines having a fiscal impact on updating training materials, printing new documents, and conducting professional development for all school staff, these items are an ongoing cost of implementing school emergency plans and is the responsibility of local school systems as revisions and new practices are adopted and implemented as a result of plan evaluation and new discoveries through research and best practices.</p> <p>Specifically related to drill implementation subtracting from instructional time, there is no requirement to conduct the drills separately or distinctly. The implementation of these drills is left to the individual local school system and could be done to minimize impact on instruction.</p>