



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

**TO:** Members of the State Board of Education  
**FROM:** Lillian M. Lowery, Ed.D. *Lillian M. Lowery*  
**DATE:** May 21, 2013  
**SUBJECT:** COMAR 13A.02.02.01-.04 (AMEND)  
Emergency Plans  
PERMISSION TO PUBLISH

---

**PURPOSE:**

The purpose of this action is to request that the State Board grant permission to publish amended regulations concerning emergency plans (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 the local superintendents of schools 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:**

The amended regulations were sent to the local superintendents of schools and the SEED School for review and comments. Carroll and Montgomery Counties recommended changes to the proposed regulations. The recommended changes were reviewed and evaluated by MSDE staff. Our responses and rationale are attached (ATTACHMENT II).

The following major changes are reflected in the amended regulations:

- 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.

Members of the Maryland State Board of Education  
May 21, 2013  
Page 2

**ACTION:**

I request permission to publish amendments to COMAR 13A.02.02.01-.04 with the following TENTATIVE timelines:

Maryland Register Issue Date	July 12, 2013
Hearing	N/A
30-Day Open Comment Period	July 12, 2013–August 12, 2013
Adoption	August 27, 2013

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.

(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 (April 2013) is incorporated by reference.**

**[.03] .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)*.**

**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 meets the criteria outlined in the *MSDE Emergency Planning Guidelines for Local School Systems and Schools (April 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 (April 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] .05 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.**

Maryland State Department of Education's Response to Recommendations  
Regarding COMAR 13A.02.02.01-.04, *Emergency Plans*

Comments	MSDE Rationale
<p><b>.03 Emergency Plans</b></p> <p><b>B:</b> Eliminate the requirement for local school systems to have a copy of the system level emergency management plan in each local school [Montgomery].</p>	<p><b>Not Adopted</b></p> <p>Local schools and staff should be aware of and have access to the local school system's emergency plan as schools may be impacted by a system level emergency. Also, school level emergency plans should be aligned with the system level emergency plan.</p>
<p><b>.03 Emergency Plans</b></p> <p><b>C:</b> Eliminate the requirement for evacuation drills as they are synonymous with fire drills [Carroll and Montgomery].</p>	<p><b>Not Adopted</b></p> <p>Evacuation and fire drills are different types of drills as differentiated in the <i>MSDE Emergency Planning Guidelines for Local School Systems and Schools (April 2013)</i>.</p>
<p><b>.03 Emergency Plans</b></p> <p><b>C:</b> The proposed regulation should not extend drill requirements to the maintenance, transportation, and central administration facilities of the local school system [Montgomery].</p>	<p><b>Not Adopted</b></p> <p>All local school system facilities should have an emergency plan and conduct drills as all school system facilities are subject to emergencies and are part of the public school grounds.</p>
<p><b>.03 Emergency Plans</b></p> <p><b>C:</b> Eliminate Drop, Cover, and Hold drills as they are the same as Severe Weather drills [Carroll].</p>	<p><b>Not Adopted</b></p> <p>Drop, Cover, and Hold drills are different from Severe Weather drills as differentiated in the <i>MSDE Emergency Planning Guidelines for Local School Systems and Schools (April 2013)</i>.</p>

**IMPACT STATEMENTS**

***Part A***  
(check one option)

**Estimate of Economic Impact**

X The proposed action has no economic impact.

or

The proposed action has an economic impact. Complete the following form in its entirety.

**I. Summary of Economic Impact.**

**II. Types of Economic Impacts.**

Revenue (R+/R-)  
Expenditure (E+/E-) Magnitude

A. On issuing agency:

B. On other State agencies:

C. On local governments:

Benefit (+)  
Cost (-) Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

**III. Assumptions. (Identified by Impact Letter and Number from Section II.)**

***Part B***  
(check one option)

**Economic Impact on Small Businesses**

X The proposed action has minimal or no economic impact on small businesses.







## Comparison to Federal Standards

(Check one option)

There is no corresponding federal standard to this proposed regulation.

or

There is a corresponding federal standard to this proposed regulation. Please give corresponding federal standard and if the regulation is not more restrictive or stringent give justification.

Federal Statutory Reference: 20 U.S.C. 7114

or

X In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

The proposed regulation requires school emergency plans to be in alignment with the *Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools (April 2013)* and requires local school systems to conduct six drills a year. The federal regulation requires a "crisis management plan for responding to violent or traumatic incidents on school grounds".

(2) Benefit to the public health, safety or welfare, or the environment:

It is more restrictive as a benefit to the public health, safety, and welfare of school students and staff.

(3) Analysis of additional burden or cost on the regulated person:

There is no additional financial cost. There will need to be time allotted to complete the drills.

(4) Justification for the need for more restrictive standards:

The federal regulation is general in nature and does not specify the elements of an emergency plan, how to drill on the plan, and how to evaluate and revise emergency plans.