

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 20-017)

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**Overview and Legal and Fiscal Impact**

These regulations update the version of the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools that is incorporated by reference in the COMAR chapter governing school emergency plans.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**State Board of Education:**

Local School Administration: Emergency Plans: COMAR 13A.02.02.03 and .04

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**Legal Analysis**

**Background**

Under COMAR 13.A.02.02.04A, each local school system and the SEED School, which is the statewide college-preparatory public boarding school, must develop an emergency plan for all public school grounds that aligns with the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools.

Chapter 327 of 2017 required the department, in consultation with disability advocacy groups, by December 1, 2017, to update the guidelines to accommodate, safeguard, and evacuate students, staff, and visitors with disabilities in accordance with the federal Americans with Disabilities Act. Chapter 327 also required that each local school system update its emergency plan to comply with the updated guidelines, and that accommodations be made for students with disabilities during an emergency. The department published a new version of the guidelines in October 2017 and subsequently updated its regulations to incorporate that version of the guidelines.

Chapter 30 of 2018 required each local school system to conduct a safety evaluation of each public school and submit a summary of the completed evaluations to the Maryland Center for School Safety by June 15, 2019. Chapter 30 also required the department, in consultation with the center and local school systems, to update its Emergency Planning Guidelines for Local School

Systems and Schools based on the findings of the initial safety evaluations before December 1, 2019.

## **Summary of Regulations**

The regulations update the version of the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools that is incorporated by reference in COMAR 13A.02.03 from the October 2017 version to the December 2019 version. The regulations also update references to the guidelines.

Among other changes, the December 2019 version of the Emergency Planning Guidelines for Local School Systems and Schools:

- alters the phases of emergency management so that mitigation and prevention, which together were one phase, are now two separate phases;
- replaces the “preparedness” phase with a “protection” phase and replaces the accompanying guidance;
- adds to the prevention/mitigation phase guidance on the use of the principles of Crime Prevention Through Environmental Design, the Standard Response Protocol, and Safe and Sound School’s Summary of Developmental Levels of Safety Awareness;
- expands guidance for the prevention/mitigation phases related to including students with disabilities in drills, using an options–based approach that meets all student needs in the event of an emergency or drill, and providing additional assistance to students with recent trauma or loss; and
- adds sources to the works cited.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites §§ 2–205, 7–435, and 8–702 of the Education Article as statutory authority for the regulations. Section 2–205(c) requires the State Board of Education to adopt regulations for the administration of the public schools. Section 8–702 requires a program for at–risk youth (the SEED school) to be operated under the department’s supervision. The remaining cited authority is not relevant to these regulations.

Although not cited by the department, § 7–1510 of the Education Article requires the department, in consultation with the center and local school systems, by December 1, 2019, to

update the Emergency Planning Guidelines for Local School Systems and Schools to accommodate the findings made in initial safety evaluations conducted by local school systems.

With the addition of § 7–1510, this authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Technical Corrections and Special Notes**

In response to a suggestion from the Department of Legislative Services, staff for the department agreed to add § 7–1510 of the Education Article as statutory authority for the regulations.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no fiscal effect because they incorporate by reference an update to existing emergency guidelines for local school systems and, thus, are procedural in nature. The Department of Legislative Services concurs and notes that any related costs for local school systems to update their emergency preparedness training for staff can likely be absorbed with existing resources consistent with the fiscal and policy note for Chapter 30 of 2018 (*Safe to Learn Act*, Senate Bill 1265).

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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