



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

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: May 22, 2018

SUBJECT: COMAR 13A.02.02.03-04
Emergency Plans
ADOPTION

PURPOSE:

The purpose of this item is to request permission to adopt 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 (MSDE) 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, 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 (HB) 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 MSDE 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 the MSDE 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 MSDE Emergency Planning Guidelines for Local School Systems and Schools to its current revision, dated October 2017.

The State Board reviewed the regulations and granted permission to publish at the December 5, 2017 State Board Meeting. The Regulation was published in the Maryland Register from March 30, 2018 to April 30, 2018. The MSDE received no comments during the public comment period.

ACTION:

Request that the State Board adopt the amendment to COMAR 13A.02.02.03-.04 – *Emergency Plans*.

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.02 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

Notice of Proposed Action

[18-050-P-I]

The Maryland State Board of Education proposes to amend Regulations .03 and .04 under **COMAR 13A.02.02 Emergency Plans**. This action was considered by the State Board of Education at their meeting held on December 5, 2017.

Statement of Purpose

The purpose of this action is to update the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Walter Sallee, Director, Student Services and Strategic Planning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0417 (TTY 410-333-6442), or email to walter.sallee@maryland.gov, or fax to 410-333-0880. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on May 22, 2018, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools (October 2017) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.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)—(2) (text unchanged)

(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. (text unchanged)

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.02 Administration of Services for Students with Disabilities

Authority: Education Article, §§2-205, 8-301—8-319, 8-3A-01—8-3A-11, and 8-401—8-419; Human Services Article, §§8-401—8-409; Labor and Employment Article, §§11-801 and 11-901 et seq.; Annotated Code of Maryland

Federal Statutory Reference: 20 U.S.C. §§1408, 1412, 1413, and 1437;
Federal Regulatory References: 34 CFR 300 and 303

Notice of Proposed Action

[18-052-P]

The Maryland State Board of Education proposes to amend Regulation .04 under **COMAR 13A.05.02 Administration of Services for Students with Disabilities**. This action was considered by the State Board of Education at their meeting held on December 5, 2017.

Statement of Purpose

The purpose of this action is to define Maryland's methodology for identification of local school systems as having significant disproportionality under the Individuals with Disabilities Education Act (IDEA). Under the IDEA, significant disproportionality must be analyzed for the identification, placement, and disciplinary removal of students with disabilities based on race and ethnicity. As a result of revisions to the federal regulations, a risk ratio methodology is now standard across the country. Nevertheless, each State is required to select data standards to complete the methodology, and may also exercise flexibility options in the identification of local school systems. Maryland has completed its methodology, based on the advice of stakeholders, with a risk ratio threshold of 2.0, a minimum