

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))  
14 **DE Admin. Code** 621

### PROPOSED

### PUBLIC NOTICE

#### Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

#### 621 District and School Emergency Preparedness Policy

##### A. Type of Regulatory Action Required

Repeal of Existing Regulation

##### B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to repeal 14 **DE Admin. Code** 621 District and School Emergency Preparedness Policy. This regulation is being repealed in order to eliminate confusion for districts and charter schools in terms of the policy to follow with regards to emergency preparedness. These entities are to comply with the 29 **Del.C.** §8237, otherwise known as the Omnibus School Safety Act (OSSA), and therefore this regulation is no longer needed.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before April 7, 2016 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed online at the *Register of Regulation's* website, [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml), or obtained at the Department of Education, Finance Office, located at the address listed above.

##### C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

2. Will the amended regulation help ensure that all students receive an equitable education? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

4. Will the amended regulation help to ensure that all students' legal rights are respected? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

9. Is there a less burdensome method for addressing the purpose of the regulation? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? This regulation is being repealed as districts and charter schools are now required to abide by 29 **Del.C.** §8237 instead of this regulation.

#### 621 District and School Emergency Preparedness Policy

#### 4.0 Definitions

~~“Charter School” shall mean a charter school board established pursuant to Chapter 5 of Title 14 of the Delaware Code.~~

~~“District” shall mean a reorganized school district or vocational technical school district established pursuant to Chapter 10 of Title 14 of the Delaware Code.~~

~~“Emergency Preparedness Guidelines” means the Department of Education developed documents that outline the steps, processes, procedures, audits and actions a school, local school district or charter school shall use to develop a plan to respond to an emergency event or crisis situation, including a major communicable disease event such as a Pandemic Influenza Outbreak that may occur in the school community. These documents may be revised from time to time. The documents shall be available on the Department of Education website.~~

~~“School Safety Team” means the individuals identified in the district or charter school emergency preparedness or crisis response plan responsible for the planning and implementation of the plan at the school level or district level.~~

## **2.0 District and Charter School Written Policy Required**

- ~~2.1 Each school district and charter school shall have a written policy that outlines an emergency preparedness plan that is consistent with the Emergency Preparedness Guidelines. In addition, the district policy shall state how the emergency preparedness plan shall be implemented at each school within the district. The emergency preparedness plan shall be reviewed with students and staff annually.~~
- ~~2.2 The district policy shall describe how each school within the district shall plan and conduct at least one emergency event or crisis situation exercise annually. In addition, each district shall conduct at least one tabletop exercise on a major communicable disease event such as a Pandemic Influenza Outbreak every two years.~~
- ~~2.3 The charter school policy shall describe how the charter school will plan and conduct at least one emergency event or crisis situation exercise annually and at least one tabletop exercise on a major communicable disease event such as a Pandemic Influenza Outbreak every two years.~~

## **3.0 Reporting Requirements and Timelines**

- ~~3.1 Each public school district and charter school shall have an electronic copy of its current Emergency Preparedness policy on file with the Department of Education. In addition, following the practice exercise(s) outlined in 2.0 of this regulation, the district superintendent or designee, or charter school administrator shall document the practice exercise(s) and the school safety team(s) meeting(s) to assess readiness and determine the effectiveness of the existing plans. The documentation of such practice exercise(s) and School Safety Team meeting(s) shall be provided to the Department upon request.~~
- ~~3.2 Each school district and charter shall provide an electronic copy of the its Emergency Preparedness policy within thirty (30) days of any revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance, policies or recommendations from the School Safety Team.~~

~~\*Note: This regulation replaces 14 DE Admin Code 618 School Safety Audit and 14 DE Admin. Code 620 School Crisis Response Plan which were repealed. 29 Del.C. §8237, otherwise known as the Omnibus School Safety Act (OSSA), replaces this regulation and therefore this regulation is no longer needed.~~

~~12 DE Reg. 1081 (02/01/09)~~

~~19 DE Reg. 810 (03/01/16) (Prop.)~~