

# 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

### FINAL

#### REGULATORY IMPLEMENTING ORDER

##### 621 District and School Emergency Preparedness Policy

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

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 The regulation is being repealed to eliminate confusion for districts and charter schools in terms of policy to follow with regard to emergency preparedness.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

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on March 1, 2016, in the form hereto attached as Exhibit "A". Comments were received from the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities in support of the regulation being repealed.

#### II. FINDINGS OF FACTS

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

#### III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to repeal 14 **DE Admin. Code** 621 District and School Emergency Preparedness Policy. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 621 District and School Emergency Preparedness Policy attached hereto as Exhibit "B" is hereby repealed. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 621 District and School Emergency Preparedness Policy hereby repealed shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

#### IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 621 District and School Emergency Preparedness Policy repealed hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 621 District and School Emergency Preparedness Policy in the *Administrative Code of Regulations* for the Department of Education.

#### V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on April 21, 2016. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 21<sup>st</sup> day of April 2016.

**Department of Education**

Steven H. Godowsky, Secretary of Education

##### 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. 1014 (05/01/16) (Final)~~