

PUBLIC SCHOOL SAFETY DRILLS & REPORTS

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House Bill 4713 (Substitute H-2)
Sponsor: Rep. Joseph Graves
Committee: Education
First Analysis (10-28-13)

BRIEF SUMMARY: The bill would revise the number and scheduling of required school safety drills, and establish reporting requirements, so that 10 drills would be required each year: five fire drills; two tornado drills; and three school "lockdown" drills. This would mean one fewer fire drill and one additional lockdown drill.

FISCAL IMPACT: There is no apparent fiscal impact in the proposed HB 4713 to school districts or intermediate school districts (ISDs). Exchanging one required fire drill for one additional lockdown drill should necessitate no additional costs.

THE APPARENT PROBLEM:

Following the massacre of school children at Sandy Hook Elementary School in Newtown, Connecticut on December 14, 2012¹, Governor Snyder appointed a multi-agency task force, headed by the Michigan State Police, to investigate the safety plans of Michigan schools and to offer recommendations to improve them. The task force included representatives from the state fire marshal, attorney general, state and local police, the state school superintendent, and colleges and universities.

In March 2013, during the task force's inquiry but before its final report was issued, *MLive* published a four-part series to culminate its investigation of school safety. They found widespread disregard by Michigan schools for laws requiring drills for fires, severe weather, or armed threats. According to their reports, investigative journalists pulled records for about 400 schools (of the more than 3,500 school buildings in Michigan) to discover that drills were routinely skipped, or that there was no proof they were carried out. Some schools did most of their required 10 drills at the end of the school year, or all in one day. (See *Background Information*.)

Now, with the support of the governor's School Safety Task Force, legislation has been introduced to ensure school officials are held accountable for required school safety drills, and to allow school children to practice building evacuation and lockdown drills throughout the school year.

¹ The Sandy Hook school killing of 26 people, including 20 children, was the second most deadly in United States history. The deadliest attack ever on a school in the U.S. occurred on May 18, 1927, when 45 people, including 38 children, were killed as bombs planted by Andrew Kehoe, 55, ripped through the Bath School in Bath Township, Michigan, and exploded outside as rescuers arrived at the scene.

THE CONTENT OF THE BILL:

House Bill 4713 (H-2) would amend the Fire Prevention Code (MCL 29.19) to revise the number and scheduling of required school safety drills, and to provide reporting requirements. A more detailed description of the bill follows.

Fire Drills

Currently under the law, schools with grades kindergarten to 12 must conduct a minimum of six fire drills each school year, four of which must be held in the fall, and two during the remaining part of the school year. House Bill 4713 (H-2) would require a minimum of five fire drills (not six). Three of those drills would have to be held before December 1, and the two remaining fire drills would be held during the remaining part of the school year with a reasonable spacing interval between each drill.

Lockdown Drills

Schools with grades kindergarten to 12 must also conduct a minimum of two drills in which the occupants are restricted to the interior of a secured school building. House Bill 4713(H-2) would require three (not two) of these "lockdown" drills, with one to be conducted by December 1 and one after January 1, with a reasonable spacing interval between each drill. The law now specifies that these drills include security measures that are "appropriate to an emergency such as the release of a hazardous material or the presence of an armed individual on or near the premises." House Bill 4713 (H-2) would specify, instead, measures "appropriate for an emergency such as the release of a hazardous material or the presence of a *potentially dangerous* (rather than armed) individual on or near the premises."

Under current law, "lockdown" drills must be conducted in coordination with the local emergency management coordinator, the county sheriff, or the chief of police or fire chief for the municipality where the school is located, and be undertaken consistently with applicable federal, state, and local emergency operations plans. House Bill 4713 (H-2) would eliminate this requirement. Instead, the bill requires that the governing body of a school seek input from the administration of the school and local public safety officials on the nature of the drills.

Tornado Drills

In addition, the law requires two tornado safety drills each school year at all schools and facilities listed in Section 19(1); that is, all schools, including state-supported schools, colleges, and universities, and all school dormitories. Under the law, these drills must be conducted for the purpose of preventing fires and related hazards and injuries caused by severe weather. House Bill 4713 (H-2) would retain but modify this section. Under the bill, two tornado safety drills would continue to be required each school year, but the bill specifies that at least one of the tornado safety drills would have to be conducted in March. The bill also specifies that these drills would be conducted for the purpose of preventing injuries caused by severe weather (removing from their purpose the prevention of "fires and related hazards").

Drills when Students Not in Classrooms

A school with grades kindergarten to 12 must conduct *some* of the drills required under this section of the Fire Prevention Code during lunch and recess periods, or at other times

when a significant number of the students are gathered but *not* in the classroom. House Bill 4713 (H-2) requires, instead, that at least one of the drills be conducted during a lunch or recess period, or at another time when students are gathered but not in classrooms.

Documentation of Drills

House Bill 4713 (H-2) adds two new subsections to the Fire Prevention Code requiring that a school post documentation of a completed school safety drill on its school website within five school days; the documentation remain on the website for at least three years; and that the documentation include at least the name of the school, the school year of the drill, the date and time of the drill, the type of drill completed, the number of completed drills for that school year for each type of drill required under the Code, the signature of the school principal (or a designee) acknowledging completion of the drill, and the name of the individual in charge of conducting the drill (if different from the school principal).

List of Drills to County Emergency Management Coordinator

In addition, not later than September 15 of each year, the chief administrator of a school that operates any of grades kindergarten to 12 (or a designee) would be required to provide a list of the scheduled drill days for all of their school buildings to the county emergency management coordinator (appointed under Section 9 of the Emergency Management Act). The *county* emergency management coordinator would, in turn, be required to provide this information to the appropriate *local* emergency management coordinator, if any, and consistent with applicable federal, state, and local emergency operations plans, to the Department of State Police district coordinator, and the county sheriff for a county, or the chief of police or fire chief for a municipality where the school is located.

Technical Amendment

Finally, now under the law, the Department of State Police Emergency Management division must develop a model to be used by a school when conducting a "lockdown" drill. House Bill 4713 (H-2) would retain this provision, but specify the Department of State Police Emergency Management *and Homeland Security* Division.

BACKGROUND INFORMATION:

To review the four-part MLive series on school safety published on March 11, 12, 13, and 14, 2013 visit the following website:

http://www.mlive.com/news/index.ssf/2013/03/michigan_state_police_task_for.html

ARGUMENTS:

For:

Proponents of the bill say that if schools are not following school safety requirements, then school officials must be required to post their completed drills on the school website, so parents will know their children have been able to practice school evacuation and lockdown drills.

Further, those who support the bill say the *county* emergency coordinator should serve as the focal point for ongoing school safety planning and implementation, with the

responsibility for creating a solid, effective emergency response *system* countywide that involves all local law enforcement agencies within a school district. This legislation requires school officials to report their plans for school safety drills to county emergency coordinators, so that school safety oversight can come within their purview.

The bill makes a number of changes to make school safety drills more meaningful in order to protect students and school staff from natural and man-made threats.

Against:

This bill requires that a schedule of a school's safety drills be shared with the county emergency management coordinator at the outset of every school year. While the list would not be publicized, it is possible that a "bad actor" could gain access to the schedule, and then plan to harm a schoolyard full of children while they were participating in a school safety drill.

POSITIONS:

The Department of Michigan State Police supports the bill. (10-16-13)

The Berrien County Sheriff's Department supports the bill. (10-16-13)

DS2 of Grand Ledge supports the bill. (10-16-13)

The Michigan Association of Intermediate School Administrators opposes the bill. (10-16-13)

The Genesee Intermediate School District opposes the bill. (10-16-13)

The Middle Cities Education Association opposes the bill. (10-16-13)

The Michigan Association of School Boards opposes the bill. (10-16-13)

The Michigan Association of School Administrators opposes the bill. (10-16-13)

The Michigan Elementary and Middle School Principals' Association opposes the bill. (10-16-13)

The Michigan Association of Secondary School Principals opposes the bill. (10-16-13)

The Michigan Association of Fire Chiefs is neutral on the bill. (10-16-13)

The Presidents' Council, State Universities of Michigan is neutral on the bill. (10-16-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.