

Legislative Analysis



PUBLIC SCHOOL SAFETY DRILLS AND CARDIAC EMERGENCY RESPONSE PLAN

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House Bill 4713 as enrolled
Public Act 12 of 2014
Sponsor: Rep. Joseph Graves
House Committee: Education
Senate Committee: Education

Second Analysis (8-1-14)

BRIEF SUMMARY: Beginning July 1, 2014, the bill revised 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.) The bill also would require each school to develop and implement a cardiac emergency response plan.

FISCAL IMPACT: There is no apparent fiscal impact to school districts or intermediate school districts (ISDs) for exchanging one required fire drill for one additional lockdown drill. The addition of a Cardiac Emergency Response plan to HB 4713 may include a cost for the maintenance and use of automated external defibrillators. Time for training for use of defibrillators, creation of a plan for cardiac emergencies, and an evaluation of the plan would be of minimal impact.

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

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.

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*.)

With the support of the governor's School Safety Task Force, legislation was 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.

THE CONTENT OF THE BILL:

House Bill 4713 amended the Fire Prevention Code (MCL 29.19) to revise the number and scheduling of required school safety drills; provide reporting requirements; and require school officials to adopt and implement a cardiac emergency response plan. The bill took effect July 1, 2014. A more detailed description of the bill follows.

Fire Drills

Previously under the law, schools with grades kindergarten to 12 were required to 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 requires a minimum of five fire drills (not six). Three of those drills must be held before December 1, and the two remaining fire drills must 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 previously had to conduct a minimum of two drills in which the occupants were restricted to the interior of a secured school building. House Bill 4713 requires 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 previously specified 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 specifies 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 previous law, "lockdown" drills had to 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 eliminates this requirement, and instead 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 required 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 previous law, these drills were to be conducted for the purpose of preventing fires and related hazards and injuries caused by severe weather. House Bill 4713 retains but modifies this section. Under the bill, two tornado safety drills continue to be required each school year, but the bill specifies that at least one of the tornado safety drills be conducted in March. The bill also specifies that these drills are to 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

Previously, a school with grades kindergarten to 12 had to 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 were gathered but *not* in the classroom. House Bill 4713 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 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 30 school days, with the documentation to 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). The bill specifies that if a school is operated by a school district or intermediate school district, then the documentation of the safety drills can be posted to the district website.

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) must 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 is, in turn, 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.

The bill specifies that if a scheduled drill was not conducted due to conditions outside the control of school authorities (such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by city, county, or state health authorities), the canceled drill would not result in a violation, as long as school officials conducted the minimum number of drills, and rescheduled the canceled

drill to occur within 10 school days. Further, the chief administrator would be required to notify the county emergency management coordinator of the rescheduled date.

Freedom of Information

House Bill 4713 specifies that the scheduling information provided under this subsection of the law would be exempt from disclosure under the Freedom of Information Act.

State Assessments

The bill prohibits a public school from conducting a safety drill at a time that would interfere with the conduct of a state-mandated assessment.

Technical Amendment

Previously 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 retains this provision, but refers to the Department of State Police Emergency Management *and Homeland Security Division*.

Cardiac Emergency Response Plan

Finally, House Bill 4713 requires that the governing body of a school that operates any of grades kindergarten to 12 must adopt and implement a cardiac emergency response plan for the school. The plan must address at least all of the following:

- use and regular maintenance of automated external defibrillators, if available;
- activation of a cardiac emergency response team during an identified cardiac emergency;
- a plan for effective and efficient communication throughout the school campus;
- if the school includes grades 9 to 12, a training plan for the use of an automated external defibrillator, and in cardiopulmonary resuscitation techniques;
- incorporation and integration of the local emergency response system and emergency response agencies with the school's plan; and
- an annual review and evaluation of the cardiac emergency response plan.

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 said that if some 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.

For:

As introduced, the bill required 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 have been publicized, it is possible that a "bad actor" could have gained access to the schedule, and then planned to harm a schoolyard full of children while they were participating in a school safety drill. To prevent this possible tragedy, the bill has been amended to prohibit local officials from sharing safety drill information under the Freedom of Information Act.

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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.