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## **MEMORANDUM**

**TO:** Members, Utah State Board of Education

**FROM:** Martell Menlove, Ph.D.  
Chief Executive Officer

**DATE:** February 7, 2014

**ACTION:** R277-400 *School Emergency Response Plans* (Amendment)

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### **Background:**

Amendments to R277-400 were proposed to the Board on January 9, 2014. The Board approved the amendments and continuation of the rule on first and second reading.

Additional changes are proposed following staff attendance at the USOE Safety and Security Conference.

### **Key Points:**

The proposed changes require a "violence" drill early in the school year, require drills to be spread out appropriately throughout the school year, and give LEAs/schools flexibility to schedule drills appropriate for the schools and their communities.

### **Anticipated Action:**

It is proposed that the Law and Licensing Committee consider approving R277-400, as amended, on second reading, and if approved by the Committee, the Board consider approving R277-400, as amended and continued, on third and final reading.

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1 **R277. Education, Administration.**

2 **R277-400. School Emergency Response Plans.**

3 **R277-400-1. Definitions.**

4 A. "Board" means the Utah State Board of Education.

5 B. "Emergency" means a natural or man-made disaster,  
6 accident, act of war, or other circumstance which could  
7 reasonably endanger the safety of school children or disrupt  
8 the operation of the school.

9 C. "Emergency Preparedness Plan" means policies and  
10 procedures developed to promote the safety and welfare of  
11 students, protect school property, or regulate the operation  
12 of schools during an emergency occurring within an LEA or a  
13 school.

14 D. "Emergency Response Plan" means a plan developed by an  
15 LEA or school to prepare and protect students and staff in the  
16 event of school[~~violence~~] emergencies.

17 E. "LEA" means local education agency, including local  
18 school boards/ public school districts, charter schools, and,  
19 for purposes of this rule, the Utah Schools for the Deaf and  
20 the Blind.

21 **R277-400-2. Authority and Purpose.**

22 A. This rule is authorized under Utah Constitution  
23 Article X Section 3 which vests general control and  
24 supervision of public education in the Board, and Section 53A-  
25 1-401(3) which allows the Board to adopt rules in accordance  
26 with its responsibilities.

27 B. The purpose of this rule is to establish general  
28 criteria for both Emergency Preparedness and Emergency  
29 Response plans required of schools and LEAs in the event of  
30 [~~natural disasters or~~] school [~~violence~~] emergencies as  
31 defined in R277-400-1B. This rule also directs LEAs to

32 develop prevention, intervention, and response measures and to  
33 prepare staff and students to respond promptly and  
34 appropriately to school[~~violence~~] emergencies.

35 **R277-400-3. Establishing LEA Emergency Preparedness and**  
36 **Emergency Response Plans.**

37 A. By July 1 of each year, each LEA shall certify to the  
38 Board that the LEA emergency preparedness and emergency  
39 response plan has been practiced at the school level,  
40 presented to and reviewed by its teachers, administrators,  
41 students and their parents, local law enforcement, and public  
42 safety representatives consistent with Section 53A-3-402(18).

43 B. As a part of an LEA's annual application for state or  
44 federal Safe and Drug Free School funds, the LEA shall  
45 reference its Emergency Response plan.

46 C. The plan(s) shall be designed to meet individual  
47 school needs and features. An LEA may direct schools within  
48 the LEA to develop and implement individual plans.

49 D. The LEA shall appoint a committee to prepare plan(s)  
50 or modify existing plan(s) to satisfy this rule. The  
51 committee shall consist of appropriate school and community  
52 representatives which may include school and LEA  
53 administrators, teachers, parents, community and municipal  
54 governmental officers, and fire and law enforcement personnel.  
55 Governmental agencies and bodies vested with responsibility  
56 for directing and coordinating emergency services on local and  
57 state levels shall be included on the committee.

58 E. Each LEA shall [~~appoint appropriate persons at least~~  
59 ~~once every three years to~~]review the plan(s) at least once  
60 every three years.

61 F. The Board shall develop Emergency Response [p]Plan  
62 models under Section 53A-3-402(18)(d).

63 **R277-400-4. Notice and Preparation.**

64 A. A copy of the plan(s) for each school within an LEA  
65 shall be filed in the LEA superintendent's or charter school  
66 director's office.

67 B. At the beginning of each school year, parents and  
68 staff shall receive a written notice of relevant sections of  
69 LEA and school plans which are applicable to that school.

70 C. Each school shall designate an Emergency  
71 Preparedness/Emergency Response week prior to April 30 of each  
72 school year. Community, student, teacher awareness, or  
73 training, such as those outlined in R277-400-7 and 8, would be  
74 appropriate activities offered during the week.

75 **R277-400-5. Plan(s) Content--Educational Services and Student**  
76 **Supervision and Building Access.**

77 A. ~~The~~An LEA's plan shall contain measures which assure  
78 that, during an emergency, school children receive reasonably  
79 adequate educational services and supervision during school  
80 hours.

81 (1) Evacuation procedures shall assure reasonable care  
82 and supervision of children until responsibility has been  
83 affirmatively assumed by another responsible party.

84 (2) Release of a child ~~below~~younger than ninth grade  
85 age at other than regularly scheduled hours is prohibited  
86 unless the parent or another responsible person has been  
87 notified and has assumed responsibility for the child. An  
88 older child may be released without such notification if a  
89 school official determines that the child is reasonably  
90 responsible and notification is not practicable.

91 (3) LEAs shall, to the extent reasonably possible,  
92 provide educational services to school children whose regular  
93 school program has been disrupted by an extended emergency.

94 B. LEA plans shall provide for access to public school  
95 buildings by specific groups: students, community members,  
96 lessees, invitees, and others.

97 C. Access planning may include restricted access for some  
98 individuals, building access during identified time periods  
99 and possession and use of school keys by designated  
100 administrators and employees, as determined by the LEA board  
101 or designee.

102 D. Resources and materials available for emergency  
103 training shall be identified in an LEA or school's plan.

104 **R277-400-6. Emergency Preparedness Drills and Training.**

105 A. The plan shall contain measures which assure that  
106 school children receive emergency preparedness training.

107 [~~A~~]B. School children shall [~~be provided with~~]receive  
108 training appropriate to their ages in rescue techniques, first  
109 aid, safety measures appropriate for specific emergencies, and  
110 other emergency skills.

111 [~~B~~]C. [~~Fire~~]Emergency drills:

112 (1) During each school year, elementary schools shall  
113 conduct [~~fire~~]emergency drills at least once each month during  
114 school [~~sessions~~]time.

115 [~~(2) A fire drill in secondary schools shall be~~  
116 ~~conducted at least every two months, for a total of four fire~~  
117 ~~drills during the nine month school year.~~

118 [~~(3) The first fire drill shall be conducted within the~~  
119 ~~first 10 days of the school year for both elementary and~~  
120 ~~secondary schools.]~~

121 ([~~4~~]2) LEAs shall [~~substitute every other required fire~~  
122 ~~drill for~~]alternate one of the following practices or drills  
123 with required fire drills:

124 (a) shelter in place;

- 125 (b) earthquake~~[-drill; or]~~;
- 126 (c) lock down for violence;
- 127 (d) bomb threat;
- 128 (e) civil disturbance;
- 129 (f) flood;
- 130 (g) hazardous materials spill;
- 131 (h) utility failure;
- 132 (i) wind or other types of severe weather;
- 133 (j) shelter and mass care for natural and technological
- 134 hazards; or
- 135 (k) an emergency drill appropriate for the particular
- 136 school location.

137 ~~[(5)]~~D. Fire drills:

138 (1) Fire drills shall include the complete evacuation of

139 all persons from the school building or the portion [thereof]

140 of the building used for educational purposes. An exception

141 may be made for the staff member responsible for notifying the

142 local fire ~~[department]~~emergency contact and handling

143 emergency communications.

144 (2) All schools shall have one fire drill in the first

145 10 days of the regular school year.

146 (3) Elementary schools (grades K-6) shall have at least

147 one fire drill every other month throughout the school year.

148 (4) Secondary schools (grades 7-12) shall have at least

149 one fire drill every two months throughout the school year.

150 (5) Secondary schools (grades 7-12) shall have one fire

151 drill in the first 10 days of the calendar year.

152 (6) When required by the local fire chief, the local

153 fire department shall be notified prior to each fire drill.

154 (7) When a fire alarm system is provided, fire drills

155 shall be initiated by activation of the fire alarm system.

156 ~~[E]~~E. Schools that include both elementary and secondary

157 grades in the school shall comply, at a minimum, with the  
158 elementary emergency drill requirements.

159 ~~[D. Resources and materials available for training shall~~  
160 ~~be identified in the plan.]~~

161 **R277-400-7. Emergency Response ~~[Training]~~Review and**  
162 **Coordination.**

163 A. Each LEA shall provide an annual training for LEA and  
164 school building staff on employees' roles, responsibilities  
165 and priorities in the emergency response plan.

166 B. LEAs shall require schools to conduct at least one  
167 annual drill for school~~[violence]~~ emergencies in addition to  
168 drills required under R277-400-6B(4) which shall be held no  
169 later than October 1 annually.

170 C. LEAs shall require schools to review existing security  
171 measures and procedures within their schools and make  
172 adjustments as needs demonstrate and funds are available.

173 D. LEAs shall develop standards and protections to the  
174 extent practicable for participants and attendees at school-  
175 related activities, with special attention to those off school  
176 property.

177 E. LEAs and schools shall coordinate with local law  
178 enforcement and other public safety representatives in  
179 appropriate drills for school safety emergencies.

180 **R277-400-8. Prevention and Intervention.**

181 A. LEAs shall provide schools, as part of their regular  
182 curriculum, comprehensive violence prevention and intervention  
183 strategies such as resource lessons and materials on anger  
184 management, conflict resolution, and respect for diversity and  
185 other cultures.

186 B. As part of the violence prevention and intervention

187 strategies, schools may provide age-appropriate instruction on  
188 firearm safety including appropriate steps to take if a  
189 student sees a firearm or facsimile in school.

190 C. LEAs shall also develop, to the extent resources  
191 permit, student assistance programs such as care teams, school  
192 intervention programs, and interagency case management teams.

193 D. In developing student assistance programs, LEAs are  
194 encouraged to coordinate with and seek support from other  
195 state agencies and the Utah State Office of Education.

196 **R277-400-9. Cooperation With Governmental Entities.**

197 A. As appropriate, an LEA may enter into cooperative  
198 agreements with other governmental entities to assure proper  
199 coordination and support during emergencies.

200 B. LEAs shall cooperate with other governmental entities,  
201 as reasonably feasible, to provide emergency relief services.  
202 The plan(s) shall contain procedures for assessing and  
203 providing school facilities, equipment, and personnel to meet  
204 public emergency needs.

205 C. The plan(s) developed under R277-400-5 shall  
206 delineate communication channels and lines of authority within  
207 the LEA, city, county, and state.

208 (1) the Board, through its superintendent, is the chief  
209 officer for emergencies involving more than one LEA, or for  
210 state or federal assistance;

211 (2) the local board, through its  
212 superintendent[~~director~~], is the chief officer for LEA  
213 emergencies;

214 (3) the local charter school board through its director  
215 is the chief officer for local charter school emergencies;

216 (4) In the event of an emergency, school personnel shall  
217 maintain control of public school students and facilities

218 during the regular school day or until students are released  
219 to parents or legal guardians.

220 **R277-400-10. Fiscal [~~Procedures~~Accountability].**

221 The plan(s) under R277-400-5 shall address procedures for  
222 recording LEA funds expected for emergencies, for assessing  
223 and repairing damage, and for seeking reimbursement for  
224 emergency expenditures.

225 **KEY: emergency preparedness, disasters, safety, safety**  
226 **education**

227 **Date of Enactment or Last Substantive Amendment: [September**  
228 **~~21, 2012]2014~~**

229 **Notice of Continuation: 2014**

230 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**  
231 **53A-1-401(3); 53A-1-402(1)(b)**