

CHAPTER 405
FORMERLY
SENATE BILL NO. 233

AN ACT TO AMEND TITLES 11 AND 29 OF THE DELAWARE CODE RELATING TO COMPREHENSIVE
SCHOOL SAFETY PLANS

WHEREAS, under existing laws and regulations, the Department of Education requires each school district and charter school to adopt a written policy that outlines an emergency preparedness plan that is consistent with the Department of Education's "Emergency Preparedness Guidelines"; and

WHEREAS, although some plans are comprehensive, many emergency preparedness plans are not as detailed, coordinated or up-to-date as they need to be in order to protect students, faculty and visitors in Delaware's public schools and districts; and

WHEREAS, pursuant to Homeland Security Presidential Directive-5, the federal government has developed a "National Incident Management System" (NIMS), a framework for federal, state, and local governments to work together effectively and efficiently to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, in recent years, the Department of Safety and Homeland Security (the "Department") has worked with schools, districts, first responders and other stakeholders to develop comprehensive, NIMS-compliant safety and emergency preparedness plans for many of Delaware's public schools; and

WHEREAS, to help ensure that schools and districts are as prepared as they can be for a critical incident, it is imperative that comprehensive, school- and district-specific safety plans be developed in accordance with NIMS guidelines for all of Delaware's public schools (including charter schools) as well as districts, and that such plans be reviewed on a regular basis and updated as necessary; and

WHEREAS, it is the intent of this Act to delineate the specific responsibilities of various stakeholders, including but not limited to the Department, schools, districts and first responders in furtherance of the goal of developing and maintaining comprehensive, NIMS-compliant school and district safety and emergency preparedness plans for all Delaware public schools (including charter schools) and districts.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29, Chapter 82 of the Delaware Code by making insertions as shown by underlining as follows:

§ 8237. Omnibus School Safety Act.

(a) Purpose. The purpose of the Omnibus School Safety Act is to enhance public safety in all of Delaware's public schools (including charter schools) and school districts through the development and maintenance of comprehensive, site-specific, NIMS-compliant safety and emergency preparedness plans for each public school and district. This Act is intended to promote a cohesive and coordinated approach between state and local emergency responders, education professionals, and other supporting agencies and disciplines during a critical incident within a school setting, in a manner that minimizes administrative and other burdens upon schools and districts.

(b) Definitions. Unless the context otherwise requires, the following words and phrases shall have the meaning ascribed to them in this section:

(1) "Act" means the Omnibus School Safety Act.

(2) "Charter school" means a charter school established pursuant to Chapter 5, Title 14 of the Delaware Code.

(3) "Critical incident" means any situation that causes or has the potential to cause injury or loss of life to faculty, staff, students or the public, and shall include but not be limited to any weather-, crime- or terrorism-related event that threatens the life, health and safety of people, damages or destroys property, or causes major disruptions of regular activities.

(4) "Critical incident or emergency event exercise" means any operational simulation performed in a school or district pursuant to this section for the purposes of training and practicing prevention, protection, mitigation, response and recovery capabilities in a realistic, but risk-free environment.

(5) "CSSP" means a Comprehensive School Safety Plan.

(6) "Department" means the Department of Safety and Homeland Security.

(7) "District" means a reorganized school district or vocational technical school district established pursuant to Chapter 10, Title 14 of the Delaware Code.

(8) "DOE" means the Department of Education.

(9) "Emergency Preparedness Guidelines" means the templates developed by the Department which outline the steps, processes, procedures, audits and actions that shall be used by a school or district to develop, implement, exercise and update its comprehensive school safety plans to respond to an emergency event or unusual crisis situation.

(10) "First responder" means any federal, state and local law enforcement officer, fire, and emergency medical services personnel, hazardous materials response team member, 911 dispatcher, emergency manager or any other individual who is responsible for the protection and preservation of life, property, or evidence.

(11) "NIMS" means the National Incident Management System developed by the federal government pursuant to Homeland Security Presidential Directive -5 and representing a core set of doctrines,

concepts, principles, terminology, and organizational processes that enables effective, efficient, and collaborative incident management.

(12) “School” means any public school within the State of Delaware, including any charter school.

(13) “School safety team” means those individuals who have been identified by a school or district as members of a team responsible for the development and implementation of a CSSP for a particular school or district.

(14) “Secretary” means the Secretary of the Department of Safety and Homeland Security or his or her designee.

(15) “Tabletop exercise” means a discussion-based critical incident or emergency event exercise involving key personnel comprised of first responders, emergency management personnel, school officials or other individuals where simulated scenarios are discussed in an informal setting.

(c) Duties and responsibilities of Department. The Department, by and through the Secretary, shall have overall operational responsibility for the implementation of the Act. In connection therewith, the Department’s duties and responsibilities shall include but not be limited to:

(1) Serving as the lead agency in the development of CSSPs for each school and district;

(2) Assisting schools and districts in conducting critical incident and tabletop exercises;

(3) Adopting, publishing and updating Emergency Preparedness Guidelines;

(4) Reviewing and certifying CSSPs submitted by schools and districts;

(5) In consultation with the Department of Education, adopting such rules and regulations as shall be necessary or desirable to implement the provisions of the Act;

(6) Reviewing proposed revisions and updates to CSSPs; and

(7) Ensuring that the Act is fully implemented and operational within five (5) years of the date of enactment hereof.

(d) Duties and responsibilities of schools and districts. Each school and district shall:

(1) Create a school safety team for each school and district;

(2) Collaborate with the Department and any relevant first responders to develop and submit to the Department a school- or district-specific CSSP;

(3) Conduct critical incident and tabletop exercises in accordance with paragraph (f) hereunder; and

(4) Collaborate with the Department and any relevant first responders in submitting revisions and updates to CSSPs, at such times and upon such circumstances as shall be warranted.

(e) Initial review and approval of CSSPs. Each school and district, through its school safety team, shall collaborate with the Department and any relevant first responders to develop and submit a school- or district-specific CSSP that is NIMS-compliant and is otherwise approved by the Department in accordance with the regulations adopted in connection with this section. The Department shall provide such assistance as shall be necessary in connection with the development of CSSPs, and shall coordinate schools and districts with first responders and other relevant stakeholders, including but not limited to the Capitol Police, for the development of CSSPs hereunder.

(f) Critical incident and tabletop exercises; revisions to CSSPs.

(1) Each school and district, through its school safety team, shall collaborate with the Department and any relevant first responders to conduct at least one critical incident or emergency event exercise each year, and at least one tabletop exercise every two (2) years. Such exercises shall assess emergency readiness as well as the effectiveness of the existing CSSP, and shall include such members of the school safety team, first responders and such other stakeholders as shall be appropriate. Exercises may also be utilized to identify gaps in the CSSP, assess and improve performance, test equipment and technology, and develop robust community and first responder resolve to prepare for major incidents.

(2) Following any exercise hereunder, a school or district may submit to the Department proposed revisions or updates to its CSSP. However, nothing herein shall limit the ability of schools or districts to submit to the Department proposed revisions or updates to CSSPs at any other time during the year. Proposed revisions or updates shall be reviewed and approved by the Department in accordance with procedures established by regulation.

(g) Progress reports. The Secretary shall provide a report on the progress on the implementation of the Omnibus School Safety Program to the General Assembly by May 31st of each year until such time that implementation of the program is completed and it is fully operational.

Section 2. Amend Chapter 82, Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§8202. Powers and duties of Capitol Police; local police officers assisting Capitol Police.

Capitol Police shall have police powers similar to those of constables and other police officers, and shall be conservators of the peace throughout the State, and they shall suppress all acts of violence, and enforce all laws relating to the safety of persons and property. In addition to the foregoing, Capitol Police shall be authorized to develop, implement, maintain, exercise and update Comprehensive School Safety Plans (CSSPs) pursuant to 29 Del. C. § 8237 and such regulations adopted in connection therewith, as directed by the Secretary of Safety and Homeland Security.

Section 3. Nothing in this section is intended to be inconsistent with the provisions set forth under Title 14 of the Delaware Code.

Section 4. This Act shall be called the Omnibus School Safety Act of 2012.

Approved September 10, 2012