



CENTER FOR SAFE SCHOOLS

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Michelle L. Elliott
Regulatory Analyst
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: IRRC # 2928 (**Regulation #6 – 325: Safe Schools**)

Dear Ms. Elliott:

The Center for Safe Schools¹ (Center) respectfully submits the following comments on the third proposed version (dated May 21, 2012) of Chapter 10 of 22 Pa Code (Education).

It is with the best intentions to assist schools in creating and maintaining safe and healthy learning environments for all students that the Center recommends the Independent Regulatory Review Commission (IRRC) disapprove this proposed regulation based upon the following concerns:

1. Purpose and Scope: Section 10.2 states the purpose of the chapter is to establish and maintain a cooperative relationship between school entities and local police departments in reporting school incidents. This proposed regulation exceeds that designated purpose.
 - a. Section 10.7 may cause confusion and imply that law enforcement agencies are required to develop procedures or responses that are not mandated by statute or regulation.
 - i. The State Board of Education has no authority to mandate law enforcement agencies to train or specify how they respond to calls. Mandates to law enforcement departments should be made under the agency with the statutory and regulatory authority to do so.
 - ii. This section is also unclear as to whether schools must provide this training to all police officers (or some lesser percentage of

¹ The Center for Safe Schools is one of 16 Statewide School Safety Centers in the nation, as recognized by the U.S. Department of Education, U.S. Office of Juvenile Justice and Delinquency Prevention and the National Crime Prevention Council. For its 20 years in existence the Center has provided technical assistance, training and education in the areas of school safety, emergency preparedness and youth violence prevention.

- officers). It is also unclear as to whether the school or law enforcement department will pay associated training costs.
 - iii. This section is also unclear as to whether schools must provide this training to all police officers (or some lesser percentage of officers). It is also unclear as to whether the school or law enforcement department will pay associated training costs.
 - b. Section 10.8 requires the provision of documents to police and fire agencies that exceeds the purpose of the regulation.
2. Operational Security: This third proposal² re-inserts wording that was contained in the original³ proposed Chapter 10 regulations, and was later removed in the second proposal⁴. This wording would require school entities to provide extensive planning documents to local fire departments without any regard to operational security. See multiple comments regarding operational security issues submitted to the IRRC in response to the original regulation.
- a. Carlisle School District – February 2, 2012
 - b. Sunbury Police – February 28, 2012
 - c. Mechanicsburg Area School District – March 1, 2012
 - d. Centre County Emergency Management – March 6, 2012
 - e. Bellefonte Area School District – March 7, 2012
 - f. Central PA Institute of Science and Tech – March 7, 2012

While the Center agrees with the need to improve pre-incident communication and collaboration with responders, the currently proposed Chapter 10 regulations have the potential to cause confusion and potentially harm students and staff due to the serious operational security issues that will arise if this regulation is passed in the current form.

3. Inaccurate Terminology: Again this proposed regulation uses terminology that is inaccurate or not in compliance with the National Incident Management System (NIMS) and current Incident Command System (ICS) principles. By gubernatorial proclamation (35 Pa.B.196; December 20, 2004) NIMS is mandated for use in the Commonwealth. The proposed Chapter 10 does not use NIMS-compliant language. For example, the proposed Chapter 10 requires that schools to submit documents to an “incident command post” by September 30 of each. According to FEMA and PEMA, an incident command post is a *temporary location* established to maintain command,

² Third proposed Chapter 10 regulations submitted May 21, 2012 by the State Board of Education to the IRRC.

³ Original proposed Chapter 10 regulations were withdrawn by the State Board of Education on March 9, 2012.

⁴ Second proposal refers to the proposed Chapter 10 regulations withdrawn by the State Board of Education on May 16, 2012.

control and coordination activities at specific incidents. It is therefore unreasonable, if not impossible, for schools to comply with this requirement.

We would respectfully reference the additional comments and concerns delineated in our May 10, 2012 letter submitted relative to the second proposed version of Chapter 10, all of which are incorporated herein as though fully set forth.

Safe, healthy school environments are necessary for students to perform academically to their highest ability. It is readily possible to improve pre-incident communication and collaboration between school district personnel and their responders without causing undue burden to either party, while maintaining operational security. NIMS/ICS-compliant regulations to achieve outcomes ensuring school safety and increased collaboration/communication are achievable by engaging a broader array of knowledgeable stakeholders (including, but not limited to school administrators, emergency management professionals, school safety experts, etc.) in the drafting of Chapter 10. The Center would welcome the opportunity to assist the State Board of Education in this effort to achieve these goals.

Based upon the above concerns, the Center urges the IRRC to disapprove this proposed regulation. Thank you for the opportunity to provide comment on this important subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald W. Smith, Jr.", with a stylized flourish at the end.

Donald W. Smith, Jr.
Emergency Response and Crisis
Management Coordinator