

March 17, 2016

Tina Shockley
Education Associate – Policy Advisor
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

**RE: 19 DE Reg. 810/14 DE Admin. Code 621 [DOE Proposed District and School
Emergency Preparedness Policy Regulation (March 1, 2016)]**

Dear Ms. Shockley:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to repeal the current emergency preparedness regulation completely based on the following rationale:

This regulation is being repealed in order to eliminate confusion for districts and charter schools in terms of the policy to follow with regards to emergency preparedness. These entities are to comply with the 29 Del.C. §8237, otherwise known as the Omnibus School Safety Act (OSSA), and therefore this regulation is no longer needed.

At 810.

Council feels that the repeal is justified; however we would like to share the following observations.

The attached Omnibus School Safety Act (OSSA) gives the Department of Safety and Homeland Security primary responsibility for emergency preparedness in public schools. The Act includes the following provision:

(c) The Department ...shall have the overall responsibility for the implementation of the act. In connection therewith, the Department's duties and responsibilities shall include but not be limited to:

...(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;...

Council understands that regulations and rules will be developed in conjunction with the Department of Safety and Homeland Security (DSHS) and would like information on the status of any regulations being developed “in consultation with the Department of Education” under Title 29 Del.C. §8237(c)(5). Currently, there are no DSHS regulations implementing the law in Administrative Code so the regulations appear to be optional under the statute.

The Department is also responsible for submission of a progress report “to the General Assembly by May 31 of each year until such time that implementation of the program is completed and it is fully operational.” See Title 29 Del.C. §8237(g).

Please contact me or Wendy Strauss at the GACEC office if you have any questions on our observations. Thank you for your consideration of our request for additional information.

Sincerely,

Robert D. Overmiller
Chairperson

RDO:kpc

CC: The Honorable Dr. Steven H. Godowsky, Secretary of Education
Dr. Teri Quinn Gray, State Board of Education
Mr. Chris Kenton, Professional Standards Board
Mary Ann Mieczkowski, Department of Education
Matthew Korobkin, Department of Education
Kathleen Geiszler, Esq.
Terry Hickey, Esq.

Enclosure