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MEMORANDUM

To: Superintendents of Schools
LEA Facility Planners
LEA Emergency Managers
Local Emergency Managers
Local Department of Social Service Officials

From: David Lever, Public School Construction Program
Brendan McCluskey, Maryland Emergency Management Agency

Date: September 10, 2013

Subject: Emergency Shelter Compliance Process: Draft Administrative Procedures

Handwritten signatures of David Lever and Brendan McCluskey.

In February 2011, the Governor requested the Interagency Committee on School Construction “to require that school construction projects receiving State funding...be pre-wired for emergency electrical power. The wiring should be sufficient to provide an adequate supply of electricity to those areas of the facility that are necessary for public safety when used as a public shelter...” The current regulation on emergency power in schools (COMAR 23.03.02.29) was established in October 2011 in order to put the Governor’s request into effect.

The purpose of this Memorandum is to provide you with draft procedures for your review and comment that will clarify COMAR 23.03.02.29. The procedures will be applicable to subject State-funded projects in the Capital Improvement Program, the Aging Schools Program, the Qualified Zone Academy Bond program, and within other funding initiatives that may be approved by the Governor and the General Assembly. In summary, the proposed changes consist of:

- Providing language that aligns with the Governor’s intent that *all* schools in Maryland will eventually have the capacity to provide for public safety during emergency events. Draft regulations will be forthcoming for your review and comment.
- Compliance Procedures applicable to State school construction funding programs:
 - Determination of Subject Projects:
 - Definitions of critical terms (“replacement of the electrical system,” “upgrade of the electrical system,” “fully power”)

- Reference to changes in IAC/PSCP revised CIP application Forms 102.1 and 102.2 to indicate whether a project involves an upgrade or replacement of the electrical system, and affirmation of the LEA's intention to provide emergency electrical power for subject projects as determined through the Shelter Compliance Process.
- Waiver provisions.
- Shelter Compliance Process for Subject Projects:
 - Protocols for communication with the Maryland Emergency Management Agency (MEMA) and the IAC during the project approval phase.
 - Compliance requirements precedent to IAC recommendation for final approval of project planning and/or funding.
- Design Review and Project Close-Out Requirements:
 - Technical submission requirements for subject projects in all design submissions.
 - Affirmations of compliance in requests for reimbursement and project close-out documentation.

Please review the attached Procedure and send comments to David Lever at dlever@msde.state.md.us and Brendan McCluskey at brendan.mccluskey@maryland.gov. We will discuss the proposed regulatory amendment and the new procedures in detail with you at the LEA Facility Planners meeting on September 12, 2013 at Calvert High School in Prince Frederick, Maryland. Local Emergency Managers and Department of Social Service officials are welcome to attend this meeting.

We look forward to working with you on this matter, which is of great importance to the safety of the citizens of our state.

Attachment

cc: Governor Martin O'Malley
Treasurer Nancy K. Kopp
Comptroller Peter Franchot
Dr. Lillian Lowery, Chair, Interagency Committee on School Construction
Mr. Alvin Collins, Member, Interagency Committee on School Construction
Mr. Richard Hall, Member, Interagency Committee on School Construction
Mr. Timothy Maloney, Member, Interagency Committee on School Construction
Mr. Thomas Lewis, Member, Interagency Committee on School Construction
Mr. John Ratliff, Governor's Office
Mr. Andrew Lauland, Governor's Office
Mr. Kevin Large, Governor's Office
Mr. Benton Best, Governor's Office of Homeland Security
Ms. Pamela Spring, Department of Human Resources
Mr. David Bohannon, J.D., Department of Human Resources
Ms. Kelly McGuire, Maryland Emergency Management Agency
Ms. Joan Schaefer, Deputy Director, Public School Construction Program
Ms. Barbara Bice, Maryland State Department of Education
Ms. Patricia Goucher, Maryland Department of Planning
Mr. Fred Mason III, Department of General Services