

XX – EMERGENCY SHELTER COMPLIANCE PROCESS

XX.1 GENERAL

- A. COMAR 23.03.02.29 states that for every school that undertakes a project involving a replacement or upgrade of the electrical system, the LEA is required to consult with MEMA to determine which area of the school may be used for public shelter in the event of a national, state, or local emergency event. In addition, the public school construction project is to include the capability to fully power those areas designated by MEMA.

- B. Purpose. The following steps outline the specific process that the Interagency Committee on School Construction (IAC) will require all Local Educational Agencies (LEAs) to complete in order to comply with the COMAR regulation 23.03.02.29.

- C. Definitions.
 - 1. "Replacement of the electrical system" means that a complete new electrical system is installed in an existing or new facility, including when major components of the pre-existing electrical system are either removed or abandoned in place.
 - 2. "Upgrade of the electrical system" means that an existing electrical system of a facility or a major portion of a facility is improved through either (a) the replacement or upgrade of existing components, or (b) through other improvements that alter the performance characteristics of the electrical system.
 - 3. "Fully power" means the capability to provide electrical power to the fixtures, services, appliances, and/or outlets within a specified facility or portion of a facility.

XX.2 REFERENCE

- A. COMAR 23.03.02.29

XX.3 APPLICABILITY

- A. This procedure is applicable to all projects that receive State funding participation.

XX.4 STEPS OF THE SHELTER COMPLIANCE PROCESS

- A. Application Submitted to PSCP. LEA submits application for a school construction project to PSCP. LEA indicates on application if project requires a Replacement of the electrical system or an upgrade of electrical system (reference IAC Memorandum of August 14, 2013 on Revised IAC/PSCP CIP Form 102.1 Request for Approval of Planning and Form 102.2 Request for Approval of Funding). PSCP will discuss applications with the LEA during the application process, and may require reconsideration of the application or additional information for projects in which it is unclear if the project involves Replacement of the electrical system or an Upgrade of electrical system.

- B. PSCP Enters Application Data into PSCP Share Point. In order to maintain accountability and transparency throughout the entire process, PSCP will immediately make application data specific to electrical and emergency shelter information available through the PSCP SharePoint portal.
 - 1. Reports of application status, site visit reports, and other relevant information will be made available as needed. Reports may be run in Excel or other format as needed.

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2. Upon completion of each of the remaining steps of the COMAR 23.03.02.29 Compliance Process, the agency responsible for completing that step must record the date of completion in the PSCP Share Point database.
- C. LEA Completes Compliance Process. If project involves Replacement of the electrical system or Upgrade of electrical system, LEA shall complete COMAR 23.03.02.29 Compliance Process.
1. The LEA is responsible for contacting MEMA and completing the remainder of the COMAR 23.03.02.29 Compliance Process. To avoid delays, it is in the LEA's interest to initiate this process prior to submission of the funding application.
 2. PSCP will require confirmation of contact and completion of the Process as a condition for final project approval and release of construction funds (tentative approvals may be recommended prior to completion of the Process).
- D. LEA contacts MEMA. The LEA is responsible for contacting the Director of the Preparedness Directorate at MEMA to formally ask for a site survey of the facility and submit documentation required to complete the COMAR 23.03.02.29 Compliance Process to MEMA's Preparedness Director. Documentation required prior to a site survey is as follows:
1. Floodplain map of facility site; and
 2. Floor plan of any existing or planned structures involved in the project.
- E. MEMA schedules site visit
1. The MEMA Regional Liaison Officer coordinates the performance of a site visit and walkthrough which will occur 2-3 weeks after MEMA was first contacted by the LEA.
 2. The site visit will include representatives from the following:
 - a. Department of Human Resources (DHR) – Office of Emergency Operations (OEO);
 - b. Maryland Emergency Management Agency (MEMA) – Regional Liaison Officer (RLO); and
 - c. Local Educational Agency (LEA).
 3. The Local Emergency Manager (LEM) will be invited to participate in the site visit.
 4. The site visit may also include representatives from the following:
 - a. Local Department of Social Services (DSS);
 - b. Public School Construction Program (PSCP); and/or
 - c. Other relevant organizations as necessary.
 5. In order to begin the site visit, LEAs must have already submitted the required documents listed in paragraph D to MEMA's Preparedness Director.
- F. Site Visit and Walkthrough. The site visit and walkthrough is performed by the personnel outlined in paragraph E; the maximum time expected is 2-3 hours. Site visits and walkthroughs will contain informal discussions regarding the identification of those areas that would be used for sheltering before, during, or after an emergency event, and the requirements for back-up power. These discussions will not constitute formal guidance or decisions of any kind. Criteria for consideration will

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be drawn from Federal and State Emergency Management guidance and plans, and nationwide best practices.

- G. MEMA will submit COMAR 23.03.02.29 Compliance Letter to LEA
 - 1. MEMA and DHR will work in close coordination to complete a formal letter which designates the area that is to be fully powered pursuant to COMAR 23.03.02.29. This designation is to be made on the best professional judgment of MEMA and DHR of which portions of the building would be used for public sheltering if events required use of this facility.
 - 2. MEMA and DHR will consider any evidence that the facility could not be safely used under any circumstances as a public shelter in the foreseeable future. If this evidence of lack of safety under all circumstances for the foreseeable future is compelling, then no areas of the facility are to be designated as necessary for public safety when used as a public shelter.
 - 3. MEMA will submit the letter to the LEA and copy the PSCP, DHR, and the LEM within two months of the site visit. This letter will include a floor plan with shelter areas highlighted for the LEA's reference.
- H. Construction design plans with backup power capabilities submitted to PSCP. Following project approval, LEA's will submit design plans to the PSCP which include provisions to fully power those areas designated by the Compliance Letter from MEMA. These plans must clearly indicate which specific electrical devices/mechanisms support backup power, thereby distinguishing them from other devices/mechanisms in close proximity which do not.
- I. PSCP reviews design plans submitted during #8. The PSCP will then review the construction design plans that have been submitted by the LEA and cross-reference them with the COMAR 23.03.02.29 Compliance Letter and attached floor plan that was submitted by MEMA to ensure total compliance with the regulation. PSCP (DGS) will note any questions or deficiencies; when addressed in the LEA response, PSCP will notify LEA.
- J. LEA submits final project close-out documents for approval. Following the completion of construction the LEA will submit final project close-out documents to the PSCP for approval, including proof of backup power installation. The close-out documents must be signed by the superintendent, verifying compliance with COMAR 23.03.02.29.

XX.5 CONTINGENCIES

- A. Appeal of MEMA's Decision
 - 1. In the event that a LEA or its legislative body requests an appeal of MEMA's School COMAR 23.03.02.29 Compliance decision, the PSCP is to notify MEMA.
 - 2. The LEA will then be asked to replicate the Process and MEMA will coordinate an additional site assessment in accordance with the requirements of the COMAR 23.03.02.29 Process (outlined above in XX.4(D) through XX.4(G)).
 - 3. The Executive Director of MEMA will then make the final determination based off of both site assessments.
- B. Accelerated COMAR 23.03.02.39 Process
 - 1. In the event that an urgent school construction project is submitted to the PSCP, there may be a need to accelerate the process for complying with COMAR 23.03.02.29.

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2. The following changes will occur in the accelerated process:
 - a. LEA will indicate upon its first contact with MEMA that this is an accelerated project.
 - b. The site visit will be conducted within 1-2 weeks after the LEA contacts MEMA.
 - c. MEMA's COMAR 23.03.02.29 Compliance Letter will be completed 3-4 weeks after the site visit.
 - d. All appeals will be made to the IAC directly.
3. The PSCP shall make the determination as to which projects are "Urgent" based on internal criteria and comparisons with other project applications.

END OF SECTION

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