

2011 HOUSE EDUCATION

HB 1215

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1215
01/17/11
12936

☐ Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on HB 1215.

Rep. Scot Kelsh: *Sponsor.* I introduced HB 1215 as a method to ensure that schools have full safety measures in place to deal with emergency situations that are not already in... current state law. Current state law requires all schools to implement fire, tornado, and other emergency disaster drills. This simply adds lockdown drills to the language. By having a policy within each school district, it will enable students and staff to minimize immediate danger to life and health by having these lockdown drills. Some other school districts are doing this but some are not. Some of the lockdown drills covered would be, for example, a bank robbery within a certain area, or a student or someone has entered with a firearm. This would minimize danger to students and staff and allow law enforcement and other officials to deal with that situation.

Rep. Lyle Hanson: Do you think it should require locks on all classroom doors?

Rep. Scot Kelsh: The lockdown drills aren't going to be micromanaged. We want personnel to put together a policy for each school district that would spell out what needs to be done.

Vice Chair Lisa Meier: Are you aware what the time commitment is for a lockdown drill for the school district?

Rep. Scot Kelsh: I am not. I would think it would be immediate or would happen quickly.

Rep. Karen Rohr: What about the enforcement and accountability? Is that what you are talking about when you say that each will design policies and it would be addressed there then?

Rep Scot Kelsh: This gives each school district has flexibility on how to deal with these situations.

Chairman RaeAnn Kelsch: Questions? Bill sponsors?

Rep. Corey Mock: *Sponsor.* When I was approached for this bill I was intrigued that we as a state require certain drills but the one thing we haven't paid much attention to is lockdown drills here. I did some research to find out about fires in school aged institutions vs. lockdowns. It was about 14,500 fire emergencies happen across the United States non-adult school settings and roughly the same that require lockdowns of various sorts. We have a large emphasis on fires and safety so I thought we should be paying an equal amount of time to an equal danger.

Chairman RaeAnn Kelsch: Questions? Bill sponsors?

Vice Chair Lisa Meier: *Sponsor.* I would like to add that I was glad to sign on to this as well and would like to mention that Bismarck School District has been doing this procedure for some time.

Chairman RaeAnn Kelsch: Questions? Support?

Valerie Fischer – Director, School Health/Adult Education for DPI: **Support:** Testimony. Attachment 1.

Chairman RaeAnn Kelsch: Questions?

Rep. Phillip Mueller: Can you give us a sense of how often, let's say in the last year, we have called in a need for a lockdown drill or a situation that involves lockdown needs?

Valerie Fischer – Director, School Health/Adult Education for DPI: Those conditions don't have to be reported to the department. Most of the big districts conduct routine lockdown drills.

Rep. Karen Rohr: How about statistics on abductions that would require a lockdown?

Valerie Fischer – Director, School Health/Adult Education for DPI: We don't collect that data and I'm not aware of any.

Rep. Mike Schatz: I'm wondering why we need a law? As a teacher, I'm wondering if we are creating paranoia among these kids. Is this a good idea?

Valerie Fischer – Director, School Health/Adult Education for DPI: I think with the change in times we don't want our children to live in fear but with the reality we have to make sure they are safe and secure. It's better to be prepared.

Rep. Mike Schatz: Again the teacher procedures, when teachers are informed about what to do, then things happen in the classroom. We are constantly drilling on these types of things and there is a lot of classroom time that is lost. I think kids already know these things are possible. I'm throwing it out there as a thought.

Rep. David Rust: I know as a former school administrator that most of us developed plans and part of those plans dealt with code words and when that code word was given,

teachers were instructed on what to do with students. Do you have an idea on how many schools have developed those kinds of plans?

Valerie Fischer – Director, School Health/Adult Education for DPI: At this time all schools that received title 4 funding had to have some kind of safety management.

Rep. Corey Mock: Could you run through what a lockdown drill would entail?

Valerie Fischer – Director, School Health/Adult Education for DPI: Usually it is determined to be appropriate a situation happens where it is safer for kids to stay in the building. This might happen in event of a school shooter, tornado, or even a mercury spill. In that situation, the teacher or person who notifies the initial point of crisis would contact the office or administration. Teachers would know then to respond accordingly in correspondence with the code. While that is going on in the classroom, administration is contacting law enforcement and dealing with the crisis.

Rep. Corey Mock: One thing I'm wondering about is the varying degrees of lockdowns. Could we simulate those different degrees during a drill? Is it more for staff or students?

Valerie Fischer – Director, School Health/Adult Education for DPI: It's a reaction plan for both. It varies. Each community is different. You have to understand how to act according to what resources you have and the community setting. The typical lockdown setting is usually an intruder but some are also preparing for a tornado.

Rep. John Wall: I have a question on line 22 of the bill. For clarification, because of what happens nationally, if we have a lockdown, under current law is anyone on school property allowed to have a firearm? What safeguards do we have for that? Do we have a law that prohibits the principal from having a firearm?

Valerie Fischer – Director, School Health/Adult Education for DPI: It is against the law to have a firearm on school property. School officers might carry something but it usually is not a gun.

Rep. Brenda Heller: If done at all, is it necessary to run through the drill twice a year?

Valerie Fischer – Director, School Health/Adult Education for DPI: I think some districts have done this quite often and they have it down to a science. The districts rural in nature would be a concern for me. I think if criteria were developed, I think we could help those schools that might miss the boat on planning. It should be an option to do more than one.

Rep. Karen Rohr: The question regarding orientation in schools, what would you do if the public at large that could be in the school at the time you would have a real lockdown or evacuation?

Valerie Fischer – Director, School Health/Adult Education for DPI: We hope that those teachers whether substitute or contract workers, are aware of knowing the basics of the drills. Last year a fire happened in during the night at a volleyball game and they did a great job of getting everyone out in a calm and timely matter.

Chairman RaeAnn Kelsch: Questions? Support?

Rep. Bob Hunsakor: Just a response to Rep. Mike Schatz's concerns. I think 30-40 years ago your concern would be legitimate. Today I think the kids are aware of the dangers. I think if the teacher took the students and explained what was going on and why, I wouldn't see any cause for concern at all.

Dr. Douglas Johnson – Director, NDCEL: Officially our organization is not taking a position on this. We are monitoring the bill at this time. With the Columbine incident in the late 90s, we wanted to get funding in this state and set policies in the state so our school districts would be knowledgeable on the issue. With advent of 9/11 it was renewed again and another round of training took place that took care of more specific aspects. There has not been a great demand at this time for this because of those particular processes. One thing I should point out is on line 8, the training we provide at the lead center on disaster drills, the drills did take care of that process. We believe it is an important thing and warrants a discussion. We would recommend a survey committee for this. My experience as a building principal is that we had to have 7-8 fire drills a year and it was a requirement. For the most part we have these policies in place. I can't guarantee they are in every school district but I can certainly find out what they do have.

Chairman RaeAnn Kelsch: If you could survey, it would be nice. How long would it take for responses?

Dr. Douglas Johnson – Director, NDCEL: I can get it by Wednesday.

Chairman RaeAnn Kelsch: Questions?

Rep. Karen Rohr: Would that sample include rural school districts?

Dr. Douglas Johnson – Director, NDCEL: I send to it all so it will go out to every high school and elementary principal in the state.

Chairman RaeAnn Kelsch: He just can't guarantee 100% participation.

Dr. Douglas Johnson – Director, NDCEL: I would say there would be a 30-40% return on that.

Rep. Phillip Mueller: Would your survey include the evacuations concept? I think it's important to find out what evacuation plans are out there.

Dr. Douglas Johnson – Director, NDCEL: Ill try to make survey as simple as possible with yes or no questions. I'll leave it open for additional comments but I don't know if we want to go into too much detail or we'll have too much data.

Chairman RaeAnn Kelsch: To the students: How many of you have participated in a lockdown drill in your schools? That is quite a large number. Of those that said they have

participated in a lockdown drill, how many go to a rural school? The rest of you are from larger school districts? Questions?

Bev Nielson: We would support this bill down to line 8. We don't have an objection to having a lockdown drill a requirement, but we do have an objection with the bill requiring a committee and who has to be on the committee. We would reject the language that tells us who, what, where, when, and how.

Vice Chair Lisa Meier: What about including evacuations? How do you feel about that?

Bev Nielson - NDSBA: I consider disaster drills as covering that, but if you feel it should state evacuation I don't think we would have a problem. However, in some instances I don't know how some districts can do it. If you require it, it needs to be made possible to do. I don't know if it is possible to have buses on site all day every day. I do think the schools can have a plan for making sure students are safe.

Rep. Bob Hunsakor: As I see the committee that would work on lockdown rules, that would be a group of people that would assist the principal/administrator in drawing the plans. Then if there was a disaster, wouldn't this protect the administrator/principal from being put on the spot?

Bev Nielson - NDSBA: I'm not convinced it needs to be in law for the principal to require that. Once in law it says you have to have that. I think it should be up to principals to decide who and what they want.

Rep. Phillip Mueller: If I'm hearing you correctly, everything from line 9 – 23 needs to go away?

Bev Nielson - NDSBA: Yes, I think saying that we have to have it is sufficient and I think school districts can figure it out.

Rep. Phillip Mueller: That includes the rule that says you need to conducting that drill twice a year?

Bev Nielson - NDSBA: I guess so. That would be up to the committee on how descriptive you want to be. I don't have an opinion on that at this point.

Rep. David Rust: It used to be in law that you had to have fire drills once a month. It was taken out. Were you around when it was taken out?

Bev Nielson - NDSBA: My guess is that I was but I don't remember.

Chairman RaeAnn Kelsch: Questions? Mr. Larson are you coming forward?

Warren Larson: I will give you some documentary information In the last two years at Williston we had three lockdowns. One was a major one and the others were serious and we were fortunate we had practiced it so we were aware. As mentioned earlier, we did have some issues with policy as we developed it. Locking doors was a problem because

most doors lock from the outside so had to make some changes so that doors could be locked from both sides. In evacuations, one of the issues we dealt with if we evacuated there could be dangers outside, so we evacuated to an offsite location and didn't go to lockers. A problem could be finding a shelter close by, but in any case those shelters were not publicized. It is real, it does happen, it is good to practice, and there are circumstances that require it.

Chairman RaeAnn Kelsch: Questions?

Rep. Bob Hunsakor: What happens in the class room if there is a lockdown and the kids are kept there?

Warren Larson: During in-service we have things teachers can do to calm the children. We will carefully explain that we are in a lockdown with little information given to the children as to why. We keep them working and active. It was mentioned earlier and we in-service substitute teachers on that as well as student teachers.

Vice Chair Lisa Meier: When you had the major incident occur, how long was the lockdown?

Warren Larson: As I recall we were in a lockdown for a little over an hour and a half until the guy was found. The two others were relatively short.

Chairman RaeAnn Kelsch: Questions? Support?

Jim Jacobson: Support. Testimony. Attachment 2.

Chairman RaeAnn Kelsch: Questions? Support? Opposition? We will close the hearing on HB 1215.

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1215
01/19/11
13033

☐ Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open on HB 1215. For the proposed amendment, this is what everyone that came in and testified against the bill would say is acceptable.

Rep. Corey Mock: My one thought with the term evacuation is does disaster drills encompass that?

Chairman RaeAnn Kelsch: Bev Nielson said that, but I don't know if you consider hazardous materials spills a disaster. If it is a spill, you evacuate, if a tornado you either evacuate or I guess it depends on the situation on what they do.

Rep. Corey Mock: I would say these words in here should leave the decision making during those situations up to the school. I think this does encompass evacuations.

Chairman RaeAnn Kelsch: Now it does become part of the record that we say evacuation is part of this section. If they are in doubt they can go to the legislative record.

Rep. Brenda Heller: Move amendment.

Rep. Mike Schatz: Second.

Rep. Dennis Johnson: Are we going to have a certain number of bills?

Chairman RaeAnn Kelsch: when we cleaned up chapter 15 we took out the required number because school boards said that was in their best purview to make that determination. Basically you say they have to have them but we did not require a certain number.

Rep. Phillip Mueller: We originally had "implement" now we have "conduct." I would like to draw the committee to this.

Chairman RaeAnn Kelsch: In the new language, "implement" was over struck and the new language was "conduct." We didn't want to mandate how much they do them.

Vice Chair Lisa Meier: I was wondering if any member had discussions with non public schools about this drill?

Rep. David Rust: With regard with 1215. The State Association of Nonpublic Schools would strongly support an amendment to HB 1215 to delete lines 9-15.

Rep. Karen Rohr: I had in my notes that enforcement and accountability is by school board or school district.

Chairman RaeAnn Kelsch: That is correct. We left it up to them to determine how many times they want to conduct them. Questions on the amendment? Motion carries.

Voice Vote: 15 yeas, 0 nays, 0 absent.

Chairman RaeAnn Kelsch: What are the wishes of the committee.

Rep. Corey Mock: Motion do pass on HB 1215 as amended.

Rep. David Rust: Second.

Chairman RaeAnn Kelsch: The motion passes. We will close on HB 1215.

**15 YEAS 0 NAYS 0 ABSENT DO PASS as Amended
CARRIER: Vice Chair Lisa Meier**

January 19, 2011

V/K
1/19/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1215

Page 1, line 7, remove "1."

Page 1, remove lines 9 through 23

Renumber accordingly

Date: 1-19-11
Roll Call Vote #: VOICE NOTE

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1215

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. HELLER Seconded By REP. SCHATZ

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Meier	X		Rep. Hunsakor	X	
Rep. Heilman	X		Rep. Mock	X	
Rep. Heller	X		Rep. Mueller	X	
Rep. Johnson	X				
Rep. Karls	X				
Rep. Rohr	X				
Rep. Rust	X				
Rep. Sanford	X				
Rep. Schatz	X				
Rep. Wall	X				

Total (Yes) 15 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

VOICE NOTE ON AMENDMENT

Date: 1-19-11
Roll Call Vote #: _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1215

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Mock Seconded By Rep. Rust

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Meier	X		Rep. Hunsakor	X	
Rep. Heilman	X		Rep. Mock	X	
Rep. Heller	X		Rep. Mueller	X	
Rep. Johnson	X				
Rep. Karls	X				
Rep. Rohr	X				
Rep. Rust	X				
Rep. Sanford	X				
Rep. Schatz	X				
Rep. Wall	X				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Meier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1215: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1215 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "1."

Page 1, remove lines 9 through 23

Renumber accordingly

2011 SENATE EDUCATION

HB 1215

2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1215
March 22, 2011
15794

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to a requirement for lockdown drills at schools.

Minutes:

No "attached testimony."

Chairman Freborg opened the hearing on Engrossed HB 1215; no fiscal note attached.

Senator Heckaman, District 23 introduced the bill. The bill basically requires lock down drills to be practiced. This is very important as this issue is handled much differently than a tornado or fire drill. Fire drills get everyone out of the building; tornado drills gets everyone into the hallways with their heads down and covered up. In a lock down drill they stay in the classroom, lights off, curtains closed and doors locked. Students are supposed to be silent during this time; important to practice. Students need to understand what the drill or lockdown purpose is, practice in the classroom, full school practice with warning over the intercom. It is sometimes difficult for the students to understand how serious an issue this is.

Senator Flakoll: Is the part of the intent to help the administration and others, not just the students? How to notify the proper people, how to notify deliveries and people that may be coming by with buses, etc. and how they respond? Students' texting, etc. is that all part of this? **Senator Heckaman:** Absolutely; think one thing important is it enables schools to develop policies and procedures in the situation that they are at. Some schools have buildings disconnected; several have separate facilities; portable classrooms, shops, etc. Allows the administration to set procedures and policies for their own situation.

Representative Kelsh, District 11 supports the Engrossed bill passed by the House. State law requires fire and tornado drills; this just adds the lockdown drill. As a firefighter, he knows they respond to a lot of potential threats but most do never blossom into something more dangerous. This is a prudent use of school time so they can be prepared for any incidents. The original bill spelled out a committee, who would be on it and decide the rules for this type of drill. Think the House made it better by amending just to say it must be done by each school district.

Representative Mock, District 42 supports the bill; he is a member of the House Ed Committee. Listened to the House testimony from the professionals that deal with this on a daily basis, it is interesting to hear the real life examples that have happened across the

state which warrant the need for the bill. He also believes the amended bill is a better version. School districts can decide how often to do the drills.

Warren Larson, North Dakota Council of Educational Leaders and past Superintendent of Williston Public School District #1, supports the bill. Told story of situation in Williston where a lockdown was necessary. Serious issue and the need for it is growing.

Cory Steiner, Assistant Principal, West Fargo High School went to a conference for school resource officers; learned a great deal but came away with the feeling that we're not quite prepared for what could occur, what could happen in our schools. Was instrumental in getting legislation introduced as it is important to do. Not a question of if it will happen but when. Schools need to be better prepared than they are. West Fargo tries to do two a year; as things get busy through the year this is something that gets pushed to the back burner. Too often the lockdown procedures and processes are a binder that gets put away and when the school year starts we make sure the same people teaching are on the emergency team and then put it away. Think it will be that way until the legislature steps in and says this is an important thing. One thing schools do is play best-case scenarios with the lockdowns; low level bomb threat, etc. That is drastically different than a variety of other scenarios—someone with a gun, intruder in building, etc. Have brought in a "fake" intruder for the drills. Without the law, there are no models to work off that pertain to our situation in North Dakota. Fargo does an excellent job with their drills. Wishes some of the language wouldn't have changed; wish there would be more emergency personnel—see it as a community effort not a school effort.

No further testimony in favor; no opposition. Hearing closed.

Senator Heckaman: move a Do Pass to Engrossed HB 1215; second by **Senator Marcellais**.

Senator Flakoll: Hopes they have derivations in their lockdowns; levels and step down from the most serious to lesser.

Motion carried; 7-0-0 **Senator Heckaman** will carry the bill.

Date: 3/22/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1215

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	<input checked="" type="checkbox"/>		Senator Joan Heckaman	<input checked="" type="checkbox"/>	
Vice Chair Donald Schaible	<input checked="" type="checkbox"/>		Senator Richard Marcellais	<input checked="" type="checkbox"/>	
Senator Tim Flakoll	<input checked="" type="checkbox"/>				
Senator Gary A. Lee	<input checked="" type="checkbox"/>				
Senator Larry Luick	<input checked="" type="checkbox"/>				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Heckaman

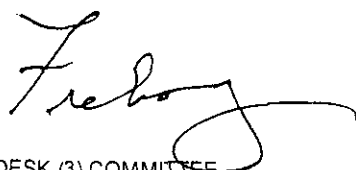
If the vote is on an amendment, briefly indicate intent:

Com Standing Committee Report
March 22, 2011 12:09pm

Module ID: s_stcomrep_51_003
Carrier: Heckaman

REPORT OF STANDING COMMITTEE

HB 1215, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1215
was placed on the Fourteenth order on the calendar.



2011 TESTIMONY

HB 1215

TESTIMONY ON HB 1215

House Education Committee

January 17, 2011

Valerie Fischer, Director of School Health / Director of Adult Education

328.4138

Department of Public Instruction

Madam Chair and members of the House Education Committee – I'm Valerie Fischer, Director of School Health and Director of Adult Education for the Department of Public Instruction. On behalf of the Department, I am here to provide supportive testimony for HB 1215.

Given the current landscape of increased school-related violence, it is imperative for every school building and district to be prepared for crisis situations. Preparation and planning on the part of administration, students and the community will result in the successful practice and implementation if an actual violent or natural disaster event occurs.

Prior to the 2010-2011 school year, under the auspices of Title IV – Safe and Drug Free Schools and Communities, DPI School Health monitored all districts for federal compliance; required was the date, partners and outcomes of crisis management drills. With the loss of federal SDFSC funding, the department no longer monitors for fiscal and program compliance. The department supports HB 1215 as a vehicle to continue a component of the monitoring.

The Department would like to propose an amendment to lines 8 and 9 to include the term 'evacuation' as part of lockdown drills. While lockdowns, similar in theory to tornado drills, are intended to keep all staff and students inside, evacuations, while similar to fire drills, are intended to exit all staff and students from the building. Inclusion of the term "evacuation" would ensure that both processes have been considered, planned for and practiced in less than

ideal circumstances, thus increasing the opportunity for the best possible outcome. National crisis management protocol promotes the practice of both lockdown and evacuation procedures.

The Department would like to use this opportunity to work with the Committee to review the law, especially in light of the Auditor's report and suggestion that the Department study improvements to operations as it relates to fire drills. Fire drill protocol and lockdown/evacuation drills should be further studied to develop a uniform filing and accountability system.

This concludes my testimony. I am available to take any questions the Committee may have. If not, thank you.

Operational Improvement:

We recommend the Department of Public Instruction:

- Perform a study of North Dakota school districts to determine the extent they are performing background checks on non-teaching employees and volunteers.
- Review other states' policies regarding background check policies for teachers and non-teaching employees/volunteers and determine if additional guidance is necessary for North Dakota school districts.

Department of Public Instruction Response:

The Department of Public Instruction agrees with the recommendation. North Dakota school districts will be surveyed to determine the extent to which they are performing background checks on non-teaching employees and volunteers. Other states' policies regarding such background checks will be reviewed to determine if additional guidance is necessary for North Dakota school districts.

School Emergency and Disaster Drills (Finding 09-3)

Objective:

Is the Department of Public Instruction following current laws/regulations in regards to emergency and disaster drills in schools?

Criteria:

The criteria used for this operational improvement was North Dakota Century Code (NDCC) section 15.1-06-12 – Emergency and Disaster Drills and the National Fire Protection Association Life Safety Code 11-7-1 - Drills.

Challenge:

State law does not specify how many of each type of school emergency or disaster drill that needs to be completed by schools in the state. In addition, the law does not list any penalties for not completing the necessary school drills. As a result, it appears no one is tracking or reviewing the results of any non-fire emergency drills performed by schools.

NDCC 15.1-06-12 states that each school district superintendent shall implement fire, tornado, and other emergency or disaster drills. To determine if the Department of Public Instruction is following NDCC the following information was gathered:

- Fire drills: The Bismarck Regional Fire Marshal stated that the Fire Marshal's office is required to review school fire safety issues every 3 years, but currently have them on a two-year rotation. Large cities that have their own fire inspection programs cover these reviews in their city and then send a report to the State Fire Marshal. The six Regional Fire Marshals in the state do the reviews in the remaining cities without a local fire inspection program. Schools must provide documentation regarding the day the drills were held, the number of students/staff involved in the drill, the weather conditions, and the time to evacuate. For their inspections, the State Fire Marshal's office uses criteria from the National Fire Protection Association – Life Safety Code (11-7-1, Drills) which suggests at least one fire drill per month shall be conducted. Any deviation from this criteria is considered a deficiency which is reported to the superintendent of the school, the ND Insurance Department, and the Department of Public Instruction.
- Tornado and other emergency or disaster drills: No monitoring is done for the tornado and other emergency/disaster drill requirements. The Bismarck Regional Fire Marshal noted some schools record this information with their fire drill information and others do not. The State Fire Marshal is only interested in fire drills. If they see no documentation of tornado drills or other emergency drills, they would not make any comment on this lack of documentation. Therefore, nothing is reported to the superintendent of the school, the ND Insurance Department, or the Department of Public Instruction for these other drills.

The Fire Marshal's guidance is based on best practices, not current law, so as long as the schools have 'implemented' fire drills they would be in compliance with the NDCC. Also, as it appears no one is monitoring tornado or other disaster drills, there is no way to determine if schools are in compliance with the requirements.

Operational Improvement:

We recommend that the Department of Public Instruction:

- Clarify NDCC 15.1-06-12 to specify exactly how many of the various types of drills are considered sufficient. This could be done in Administrative Rules if necessary. This clarification should consider input from the State Fire Marshal's office on the required number of fire drills.
- Require annual reporting by schools of the drill information to ensure compliance with the law.
- Consider including consequences for schools not following the law. If possible, the required report could be included in the necessary reporting requirements needed by the Department of Public Instruction before foundation aid payments are made.

DPI
Planning and Administration
Recommendations

6/30/08,09

19. School Drills (Operational Improvement – Significant Deficiency) (OIZ3) - We recommend DPI clarify the NDCC section covering school drills to specify exactly how many of the various types of drills are considered sufficient. (This could also be done in Administrative Rules if necessary) This clarification should consider input from the State Fire Marshal's office on the required number of fire drills.

DPI should require annual reporting by schools of the drill information to ensure compliance with the law. DPI should also consider including consequences for schools not following the law. If possible the required report could be included in the necessary reporting requirements needed by DPI before foundation aid payments are made.

20. Title IID Monitoring (Operational Improvement – Material Weakness) (OIZ6) - We recommend DPI strengthen monitoring procedures surrounding the Title IID program. This would include:
- Ensuring support for the desk review cycle is maintained on a five year rotational basis.
 - Ensuring all desk reviews are reviewed by the applicable program managers.
 - Establish procedures to include site visits and financial reviews of the discretionary grants.

Unresolved:

21. Background checks – possible operational improvement covering teachers at license renewal and requirements for other school personnel.
22. Pcard usage – prior recommendation – during 08-09 biennium the State Library had \$6,855 in Pcard purchases.

House Bill 1215

House Education Committee

January 17, 2011

Testimony of Jim Jacobson
ND Protection and Advocacy Project

Chair Kelsch and members of the House Education Committee, I am Jim Jacobson, Director of Program Services for the ND Protection and Advocacy Project (P&A). P&A is Federal and State funded disability rights protection agency.

I am here today to testify in support of House Bill 1215. P&A supports activities such as those described in House Bill 1215 but would offer a friendly amendment which is attached to the testimony.

This amendment ensures compliance with Federal regulations. Further, it will ensure that drills or actual emergency responses conducted in compliance with this legislation are not unnecessarily traumatizing to any student.

Chair Kelsch and members of the House Education Committee, thank you for the opportunity to testify in support of HB 1215. I would be happy to answer any questions.

PROPOSED AMENDMENTS TO HOUSE BILL 1215

Page 1, line 23, after "calendar.", insert a new subsection:

3. All drills required by subsection 1 must accommodate the needs of students with disabilities.

Renumber accordingly