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BILL ANALYSIS



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House Bill 4460 (Substitute S-3 as reported)
Sponsor: Representative William VanRegenmorter
House Committee: Education
Senate Committee: Education

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RATIONALE

All State-supported schools in Michigan must conduct a minimum of eight fire drills and two tornado drills each year. Although fire drills are an important part of a school's emergency preparedness program, some believe that students, teachers, and administrators should be prepared for other types of emergencies that may occur. With improved fire suppression equipment and building construction, fire is said to be less of a threat to students than it used to be, while other events, such as violent assaults by students or outside individuals, terrorist attacks, or chemical spills, may be more likely to occur. Since the 1999 shootings at Columbine High School in Colorado and similar attacks since, parents, educators, and students are more aware of the dangerous situations that may occur. In addition, chemical spills, biological threats, or nuclear events could require an emergency response by students and teachers with little or no warning. To prepare for such an event, some schools evidently have implemented procedures for, and practice "shelter-in-place" drills, in which students are not evacuated and the building is secured. It has been suggested that all schools be required to conduct at least two shelter-in-place drills each year to ensure that they are prepared to react in an emergency.

CONTENT

The bill would amend the Fire Prevention Code to do the following:

- Require a school that operated any grades between kindergarten and 12th grade to conduct a minimum of**

two drills in which the occupants were restricted to the interior of the building and the building was secured.

- Require the State Police Emergency Management Division to develop a model for a school to use in conducting, and a local emergency management coordinator, sheriff, police chief, fire chief, or desinee to use in coordinating, the shelter-in-place drills.**
- Require a K-12 school to conduct a minimum of six, rather than eight, fire drills each school year.**
- Require schools, colleges, universities, and dormitories to provide for unrestricted emergency egress during school hours when the school is open to the public, rather than requiring all doors and exits to be kept unlocked during those times.**

The Code requires the chief administrative officer and the teachers of all State-supported schools, colleges, and universities, and the owner or owner's representative of all school dormitories to have a fire drill each month, and to conduct at least eight fire drills each school year. If weather conditions do not permit fire drills to be held once a month, then at least five drills must be held every fall and three must be held during the remainder of the year.

The bill would require a school that operated any grades between kindergarten and 12th grade to conduct six fire drills each school year, with at least four held in the fall and two during the remainder of the year.

In addition, those schools would have to conduct a minimum of two drills in which the occupants were restricted to the interior of the building and the building was secured. The drills would have to include security measures that were appropriate to an emergency such as the release of a hazardous material or the presence of an armed individual on or near the premises. The drills would have to be conducted consistently with applicable Federal, State, and local emergency operations plans, and in coordination with the local emergency management coordinator appointed under the Emergency Management Act, the county sheriff for the county or the chief of police or fire chief for the municipality where the school was located, or the designee of the county sheriff, chief of police, or fire chief. The governing body of a school would have to seek input from the school administration on the nature of the drills to be conducted under these provisions.

The State Police Emergency Management Division would have to develop a model to be used by a school in conducting a drill described above, and a model for a local emergency management coordinator, county sheriff, chief of police, fire chief, or designee to use in coordinating such a drill.

Under the Code, all doors and exits of schools, colleges, universities, and school dormitories must be kept unlocked during school hours and when the school is open to the public. The bill, instead, would require unrestricted emergency egress during those times.

MCL 29.19

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The purpose of fire drills is to train teachers and students what to do in case of an emergency. There are many types of emergencies, however, in which a fire drill response would be inappropriate, and the safest course of action may be to secure the building and take shelter inside. Such incidents might include a Columbine-style shooting, a threat from outside intruders, a chemical spill or other situation involving

hazardous materials, or a terrorist attack. In these cases, school administrators might need to secure the school very quickly to protect the lives of students and personnel, yet many schools do not have detailed emergency response plans for such an event. A shelter-in-place response plan may be more complex than a fire drill plan, and may require more independent actions and judgment calls by teachers and other responsible adults. Where such drills have been conducted, participants reportedly have come away with many questions on how they should respond in certain circumstances. The drills offer a valuable opportunity to answer all questions and to ensure that everyone knows what to do in an emergency.

The drills also offer an important opportunity to evaluate the effectiveness of the emergency response plan. According to testimony before the Senate Education Committee, drills performed at the Grand Blanc school district brought to light some shortcomings in the response plan, which then were corrected. Repeated practice drills increase the likelihood that the response plan will be executed smoothly and effectively in the event of an actual emergency, potentially saving lives. For these reasons, all schools should be required to conduct at least two shelter-in-place drills each year.

Response: Mandating drills alone would not be sufficient to make schools safer; proper implementation also is important. Administrators should seek input from everyone involved in developing and implementing the drills, and sufficient support and resources need to be provided to make the drills and procedures an effective part of each school's emergency preparation plan.

Opposing Argument

Schools are aware of the potential dangers that their students and teachers face, and many schools currently conduct shelter-in-place drills. The legislation represents an unnecessary added requirement. Furthermore, conducting drills with students could be the equivalent of "teaching bank robbers how to rob a bank". If students planning an attack were familiar with the emergency procedures to be used, they could take advantage of that knowledge in the assault. As an alternative, teachers could be trained in the procedures without

the students present. In the case of an emergency, the teachers would know what to do and could direct the students according to the procedures.

Response: Drills without the participation of students would not be effective. In an emergency, individuals tend to fall back on instinct, and having participated in repeated drills, students would be familiar with the process and could respond more readily in an actual emergency.

Opposing Argument

Although the shelter-in-place drills would be beneficial, they should not be conducted at the expense of fire drills. In the case of a fire, students and teachers alike will need to act quickly and with certainty to move to safety. Repeated fire drills are the best way to ensure such a quick response.

Response: Fire is always a concern, but it is less of an immediate threat now than it once was. There has not been a student fatality due to a structural fire at a school in recent memory. The bill would allow for a sufficient number of fire drills each year while addressing other threats as well.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no direct fiscal impact on the State but would have an indeterminate fiscal impact on K-12 school districts, which could incur the cost of training staff in conducting shelter-in-place drills.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.