

OFFICE OF POLICY AND LEGAL ANALYSIS

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To: Committee on Education and Cultural Affairs

From: Samuel Senft, Legislative Analyst

LD 429 “An Act To Protect the Health of Students and Educators by Requiring the Establishment of Health and Safety Committee in School Administrative Units” (McCrea)

SUMMARY

This bill requires each school administrative unit to establish a health and safety committee to coordinate planning and response to health and safety matters affecting students and staff of the school administrative unit. It requires these committees to prioritize planning and response to health and safety concerns associated with the outbreak of COVID-19 while there is in effect a state of emergency declared by the Governor due to COVID-19. The bill specifies that each committee must include teachers and other school employees, school administrators, school board members and parents of students.

TESTIMONY

Proponents: <ul style="list-style-type: none">• Reopening of schools has been a frightening experience for many.• Educators must feel safe in schools.• The language in the bill is very similar to language around the steering committees for teacher evaluation systems; these work well.• Bill is intended to encourage collaboration.• Suggest removing emergency preamble.• Suggest making committee optional at request of the school board, superintendent or teachers or employees.• It is a good idea to request participation from local organized parent groups of each SAU.• This bill would require school districts to create something that they should already have.• It is important to note that this bill does not mandate any particular outcome or standard that any plan must meet.• The committee is only mandated for the duration of the COVID-19 state of emergency as declared by the Governor.
Opponents: <ul style="list-style-type: none">• This bill is COVID-19 specific and the majority of schools already have a safety committee.• List of participants does not include a nurse or other health care professional.• Bill is redundant. 20-A, §1001 ¶16. Comprehensive Emergency Management Plan already requires such committees and they are being used to address COVID related concerns.
Neither For Nor Against <ul style="list-style-type: none">• None
Information Provided <ul style="list-style-type: none">• Current best practices in school emergency management necessitate that each school and district

develop and utilize a collaborative planning team.

- The US Department of Education Readiness and Emergency Management for Schools (REMS) web site outlines specific recommendations.
- Health and safety are intertwined in many components of an Emergency Operations Plan (EOP) and should not be handled separately and should not focus solely on COVID.
- The process that LD 429 outlines could be integrated into an incident command system (ICS) at the local level.

INFORMATION REQUESTS:

- The existing statutory language regarding safety committees was requested.

20-A MRSA §1001, sub-§16 reads as follows:

16. Comprehensive emergency management plan. Each school board shall annually approve a comprehensive emergency management plan developed by the school unit administration working with school teachers and staff and local, county and state public safety officials, fire-fighting personnel, emergency management officials, mental health officials and law enforcement officials to identify and deal with all hazards and potential hazards that could reasonably be expected to affect a facility or unit under the authority of the school administrative unit. The approval of a comprehensive emergency management plan under this subsection is public information. The following information pertaining to a comprehensive emergency management plan is public information:

A. A description of the scope and purpose of the comprehensive emergency management plan and the process used for developing and updating the plan;

B. General information on auditing for safety and preparedness;

C. Roles and responsibilities of school administrators, teachers and staff and the designated chain of command during an emergency; and

D. Strategies for conveying information to parents and the general public during an emergency.

Except as provided in paragraphs A to D, release of the contents of a comprehensive emergency management plan approved under this subsection is subject to the limitations set forth in Title 1, section 402, subsection 3, paragraph L.

ADDITIONAL INFORMATION:

- A link to the bill is [here](#).
- A comparison of these existing statutory requirements at [20-A MRSA §1001, sub-§16](#) and the requirements of the bill is below:

	20-A MRSA §1001, sub-§16	LD 429
Plan name	Comprehensive emergency management plan	Health and safety committee
Who convenes	School board	SAU
When required	Annually	Unclear; must be convened

		within 90 days effective date of bill.
Personnel involved	School unit administration working with school teachers and staff and local, county and state public safety officials, fire-fighting personnel, emergency management officials, mental health officials and law enforcement officials	Teachers and other school employees selected by union, school administrators selected by superintendent, members of school board, parents selected by organized parents group or, if none exists, the school board
Requirements	Identify and deal with all hazards and potential hazards that could reasonably be expected to affect a facility or unit under the authority of the school administrative unit	Coordinate planning and response to health and safety matters affecting the students and staff of the school administrative unit. During the COVID-19 state of emergency, committee to prioritize planning and response to health and safety concerns associated with the outbreak of COVID-19

- The Department in its testimony referenced US Department of Education Readiness and Emergency Management for Schools. The guidance can be found [here](#). It recommends formation of a collaborative planning team that to coordinate between schools and community partners in preparation for emergencies.
- The Department also noted the work of the [Maine School Safety Center](#). The purpose of the center is to ensure the safety of students, staff and families in Maine schools through research, training and technical assistance.

OTHER CONSIDERATIONS:

- This bill has an emergency preamble.
- While the bill requires that the committee prioritize COVID-related concerns during the state of emergency, it appears that on its face, the bill establishes an ongoing requirement to maintain the safety committee.

FISCAL IMPACT: The preliminary fiscal note is [here](#). **This bill represents a potential unfunded state mandate.** As noted in the Preliminary Fiscal Note:

If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.