



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: March 20, 2017

TO: The Honorable Earl G. Jaques, Jr.

FROM: Ms. Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

RE: H.B. 49 (School Construction Safety)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 49.

Background on the legislation is compiled in the attached Delaware News Journal article, "Delaware bill mandates school safety measures" (January 27, 2017). The bill would require newly constructed or renovated school buildings to contain certain design features, including bulletproof glass, doors that could be locked from both sides with a key, and an intruder alert system compatible with the fire alarm system capable of activation from the office. In addition, the bill requires the OMB Facilities Management Section to ensure Department of Safety & Homeland Security review of such sites to address compliance with both the above standards and "Crime Prevention through Environmental Design (CPTED)" contemporary practices.

The legislation is earmarked for a fiscal note but it is not available on the legislative website.

The bill is similar to H.B. No. 347 introduced in June, 2014. That bill passed the House but did not receive a vote by the full Senate. It is also similar to H.B. No. 27 introduced in January, 2015 and stricken in July, 2015. That bill had an initial year fiscal note of approximately \$779,000 in State costs. See attachment.

The SCPD endorsed the predecessor bills subject to incorporation of a very important amendment which was added to H.B. No. 347 prior to House passage. The same attached amendment should be added to H.B. No. 49. The rationale is reflected in the attached June 19, 2014 SCPD commentary:

SCPD originally had one principal concern with the legislation. Adoption of safety features can create barriers and result in violations of the ADA. In the past, Council believes at least one public school installed safety features which were later uninstalled due to non-conformity with accessibility standards. SCPD therefore recommended an amendment to add the following sentence at the end of line 12: "Such review shall be coordinated with the Architectural Accessibility Board established by Chapter 73 of this title to ensure compatibility of safety and architectural accessibility features." The AAB is already charged with reviewing school construction and renovations to ensure ADA compliance. However, this may not always occur. In addition, if the "safety" review occurred after the AAB review, changes could supersede and contravene the AAB-approved accessibility features. After consultation with the AAB, the SCPD shared the proposed amendment with the prime sponsor and H.A. No. 1 addresses this issue.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations on the proposed legislation.

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 49 school construction safety 3-20-17

Delaware bill mandates school safety measures

Jessica Bies, The News Journal

Published 5:42 p.m. ET Jan. 27, 2017 | Updated 6:17 p.m. ET Jan. 27, 2017



(Photo: Jennifer Corbett/The News Journal)

Last spring, a wave of bomb threats directed at schools across the nation and in Delaware forced districts to initiate lockdown procedures and evacuate students, at the same time prompting a seemingly inevitable question in such situations — are our schools, and our children, safe?

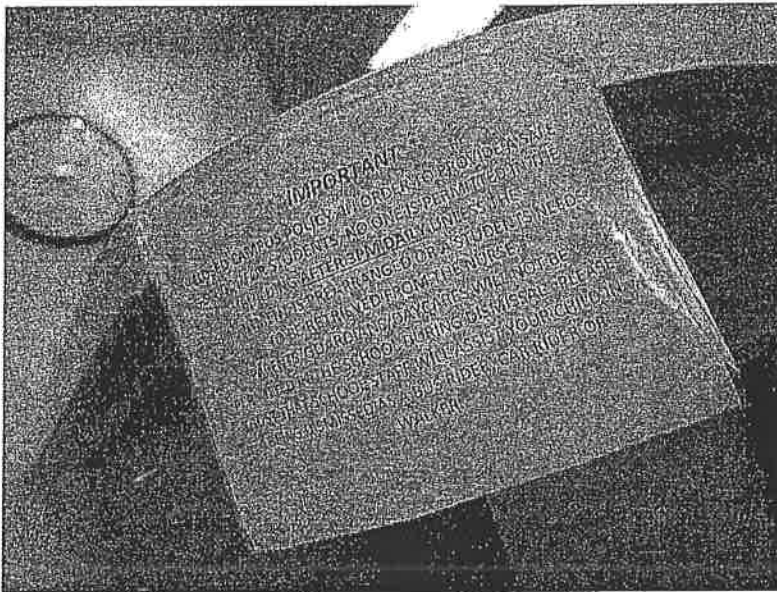
Rep. Earl Jaques, D-Glasgow, isn't so sure they are.

"I'm surprised sometimes how easy it is for me to get into schools," Jaques said Wednesday. As chairman of the House Education Committee, he has visited plenty and says some of them are accessible via side doors, if not the front door itself.

Some school doors still open to large lobbies or hallways, which grant almost immediate access to the bulk of the building.

Not only that but "not every door on every classroom locks from the inside," he said, which during a lockdown means the teacher would have to exit the room, lock it from the outside and then shut her and her students inside.

"Which takes more time," Jaques said. "And lots of times, it's down to seconds. The difference between life and death comes down to seconds." Buy Photo



A sign explaining the security details hang off the reception desk area of Shortlidge Elementary School. (Photo: Jennifer Corbett/The News Journal)

It's been more than five years since 26 people, 20 of them young children, were shot to death at Sandy Hook Elementary School in Connecticut, and in Jaques' opinion, the state still has work to do if it wants to ensure student safety.

That is why he is sponsoring two General Assembly bills aimed at giving schools the resources they need to make substantial safety upgrades to their buildings. It's something many districts have had a hard time doing because of limited funding and high construction costs.

Though the General Assembly set aside \$30,000 in 2012 to help schools develop comprehensive school safety plans, "we still have not put a lot of resources toward those plans," Jaques said, adding that funding is deeply dependent on the state's budget.

This year, however, one of Jaques' bills isn't actually budget-dependent. It simply stipulates that all new school construction or major renovation projects include the following features: an intruder alarm, bulletproof glass in entrance areas and interior doors and windows, and doors lockable with keys on both sides.

STORY: [Many agree Delaware special is needed, but there's no money for it \(/story/news/education/2017/01/25/delaware-special-ed-bill-](#)

[needed-but-theres-no-money/96961068/](#)

STORY: [Dover forms commission to end homelessness in city \(/story/news/local/2017/01/26/dover-answers-challenge-find-solution-homelessness/97085346/\)](#)

The idea behind the bill is that by building such features into schools to begin with, districts will be saved from costly renovations down the line.

A second bill, still to be filed, would appropriate the funds needed to remodel schools that aren't already undergoing big construction projects. Jaques estimates the bill will ask for \$400,000 to \$500,000.

Buy Photo



Visitors to Shortlidge Elementary School approach a locked door before being permitted entrance to the school's reception area. (Photo: Jennifer Corbett/The News Journal)

Whether or not that bill will get passed is iffy, Jaques admitted. This year the General Assembly is facing a projected \$350 million state budget gap — and even in terms of education funding, school safety upgrades are not the only thing on the wish list.

"It's all about money," he said. "It comes down to money."

Robert Coupe, secretary of the Delaware Department of Safety and Homeland Security, said in a statement Friday that, of course, the new bills would be a good step toward safer schools.

"The new construction mandates for specific safety/security equipment and design would enhance the security of any new schools," he said. "The mandated security requirements would support the goals and objectives of the Comprehensive School Safety Program."

Some school districts have already made the security upgrades on their own, dipping into their own reserves, holding referendums or applying for grants to implement them.

Among them is Red Clay Consolidated.

Over the summer, Red Clay installed secure entryways at 10 of its schools that require visitors to walk through the office before gaining admittance to the rest of the building, said spokeswoman Patl Nash.

The money was from the district's last capital referendum, which due to good financial management, allowed Red Clay to spend \$3 million on the renovations.

Superintendent Merv Daugherty said safety improvements were included in the referendum, and the district budgeted its money carefully so it could make sure the upgrades were made.

"We have a big responsibility, and when parents send their children to a Red Clay school they expect us not only to educate them, but to provide a safe and secure learning environment," Daugherty said.



A visitor to Shortlidge Elementary School enters a secured reception area before being permitted to enter the main part to the school. (Photo: Jennifer Corbett/The News Journal)

Other security upgrades, like increasing the number of school resource officers the district has and hiring retired police officers to serve as school constables, were also paid for with tax revenue. A recent referendum, approved in February 2015, included the costs.

"We've been very lucky at Red Clay," said Brian Moore, district supervisor of public safety.

In 2012, Red Clay received a federal grant that helped it install security cameras and intercoms, which visitors must speak into before being buzzed into the school.

Such federal grants are a rarity these days, Moore said. As is education funding in general.

"I've certainly heard from school districts that struggle to find the resources to teach any given day, let alone improve security," he said.

More and more school districts are having to go to taxpayers, which aren't always supportive, he said.

Indian River tried and failed to pass a referendum in November. Another referendum is set for March 2, and district officials say if it does not pass, they will have to make cuts to school safety programs and lay off teachers.

Moore says Indian River has adopted a program used in Red Clay and has retired police officers on its staff that serve as constables.

STORY: [Protests, GOP leaders greet Trump in Philly \(/story/news/2017/01/26/gop-retreat-philadelphia-donald-trump/97082068/\)](#)

STORY: [Want a paycheck for life? Get fired by the city \(/story/news/2017/01/26/confidential-deal-grants-paychecks-life-fired-employee/96954802/\)](#)

If the district's referendum passes in March, eight cents of the proposed 49-cent property tax will help keep that program going.

That's something former Superintendent Susan Bunting, who was recently confirmed as state secretary of education, has said the school district needs.

"The Board of Education showed tremendous foresight four years ago by placing armed safety monitors in all of our schools," Bunting recently wrote in an article posted on the district's website. "This program has been a rousing success, and we want to maintain the quality of these services in the future ... The peace of mind our safety monitors have given students, staff and parents is invaluable."

Moore said the theories behind school safety have changed over time, which is partially why so many schools are currently pushing for changes.

After the Columbine High School massacre in 1999, schools prepared themselves for inside intruders, staff or students who wanted to harm their classmates or colleagues.

Sandy Hook changed that. The shooter, Adam Lanza, forced his way into the building — he wasn't already inside. He wasn't a student there.

Since then, schools across the country have been trying to limit access to schools.

"I think it's unfortunate that when a big event like that happens that is the outcome," Moore said. "But it does create awareness."

Months and years pass, and eventually, the call for more secure schools fades, he said. The recent series of bomb threats did provoke parents to call Moore and ask how the district responded, which is good, he said.

"But our job is to remind people that it could be tomorrow," he said. "Just because there hasn't been a fire in a school for 50 years, doesn't mean we don't have to have fire drills every month."

Which is why Moore is considering more security upgrades. He said the school district plans on reconfiguring the rest of its school entrances over the next two years and enhancing electronic security.

At some point, he hopes to combine video surveillance systems so all 400 plus of the district's video cameras can be monitored from one central location and local law enforcement can be looped into the feed.

With violence increasing, not only in Wilmington but around the country, schools just cannot be as welcoming as they used to, Moore said.

"In this day and age, we just can't afford to be that way."

Contact Jessica Bles at (302) 324-2881 or jbles@delawareonline.com. Follow her on Twitter @jessicajbles.

Read or Share this story: <http://delonline.us/2kcxsFF>

148TH GENERAL ASSEMBLY

FISCAL NOTE

BILL: HOUSE BILL NO. 27
SPONSOR: Representative Jaques
DESCRIPTION: AN ACT TO AMEND TITLES 14 AND 29 OF THE DELAWARE CODE RELATING TO SCHOOL SAFETY.

ASSUMPTIONS:

1. This Act is effective upon signature of the Governor.
2. This Act will require all new school construction or major renovations to schools to include the following new safety features:
 - a. Bulletproof glass in all vestibules, lobby, office areas, and any windows or doors opening from a classroom into the interior of the building;
 - b. Classroom doors which can be locked from both sides with a key;
 - c. Installation of an intruder alert system compatible with the fire alarm system and capable of being activated from the office.
3. The new safety features would need to be built into the cost per square foot for the school construction formula, which is currently on-going.
4. The total state share of school construction/major renovations projected for the next three years is as follows:

	State	Local
Fiscal Year 2016:	\$77,947,600	\$38,057,800
Fiscal Year 2017:	\$88,582,200	\$41,491,800
Fiscal Year 2018:	\$56,385,400	\$26,396,300

<u>Cost:</u>		State	Local
Fiscal Year 2016:	Each 1% Increase to formula:	\$779,476	\$380,578
Fiscal Year 2017:	Each 1% Increase to formula:	\$885,822	\$414,918
Fiscal Year 2018:	Each 1% Increase to formula:	\$563,854	\$263,963

Office of Controller General
January 21, 2015
MSJ:MSJ
0271480004

(Amounts are shown in whole dollars)



SPONSOR: Rep. Jaques

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1

TO

HOUSE BILL NO. 347

- 1 AMEND House Bill No. 347 at line 12 by striking the phrase "as well as the requirements of §2306 of Title 14".
- 2 FURTHER AMEND House Bill No. 347 by inserting at the end of line 12 the following:
- 3 "Such review shall be coordinated with the Architectural Accessibility Board established by Chapter 73 of this title to
- 4 ensure compatibility of safety and architectural accessibility features."
- 5 FURTHER AMEND House Bill No. 347 by striking Section 2 in its entirety.

SYNOPSIS

This amendment requires the new school construction review by the Department of Safety and Homeland Security to be coordinated with the Architectural Accessibility Board. Further, the amendment removes the itemized requirements for bulletproof glass, doors with key locks on both sides, bullet resistant white boards, and panic buttons.



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MEMORANDUM

DATE: June 19, 2014
TO: Members of the Delaware State Senate
FROM: Ms. Daniese McMullin-Powell, ^{DMP}Chairperson
State Council for Persons with Disabilities
RE: H.B. 347 (School Safety Construction & Renovations Features)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 347 with H.A. 1, which would require newly constructed or renovated school buildings to contain certain design features, including bulletproof glass, certain door locks, and an intruder alert system. It would also require the OMB Facilities Management Section to ensure Dept. Of Homeland Security's review of such sites to address compliance with "Crime Prevention through Environmental Design (CPTED) contemporary practices."

SCPD originally had one principal concern with the legislation. Adoption of safety features can create barriers and result in violations of the ADA. In the past, Council believes at least one public school installed safety features which were later uninstalled due to non-conformity with accessibility standards. SCPD therefore recommended an amendment to add the following sentence at the end of line 12: "Such review shall be coordinated with the Architectural Accessibility Board established by Chapter 73 of this title to ensure compatibility of safety and architectural accessibility features." The AAB is already charged with reviewing school construction and renovations to ensure ADA compliance. However, this may not always occur. In addition, if the "safety" review occurred after the AAB review, changes could supersede and contravene the AAB-approved accessibility features. After consultation with the AAB, the SCPD shared the proposed amendment with the prime sponsor and H.A. 1 addresses this issue.

SCPD endorses H.B. 347 with H.A. 1.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Delaware State House of Representatives
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 347 school safety construction 6-14