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Chapters 1-105, 107-108

Education

§ 2801-a. School safety plans. 1. The board of education or trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational education and extension board and the chancellor of the city school district of the city of New York shall adopt and amend a comprehensive district-wide school safety plan and building-level emergency response plans regarding crisis intervention, emergency response and management, provided that in the city school district of the city of New York, such plans shall be adopted by the chancellor of the city school district. Such plans shall be developed by a district-wide school safety team and a building-level emergency response team established pursuant to subdivision four of this section and shall be in a form developed by the commissioner in consultation with the division of criminal justice services, the superintendent of the state police and any other appropriate state agencies. The commissioner, in consultation with the superintendent of the state police, is authorized to develop an appeals process from duplicative requirements of a district-wide school safety plan for school districts having only one school building.

2. Such comprehensive district-wide safety plan shall be developed by the district-wide school safety team and shall include at a minimum:

a. policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves, which for the purposes of this section shall include suicide;

b. policies and procedures for responding to acts of violence by students, teachers, other school personnel as well as visitors to the school, including consideration of zero-tolerance policies for school violence;

c. appropriate prevention and intervention strategies such as:

(i) collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

(ii) non-violent conflict resolution training programs;

(iii) peer mediation programs and youth courts; and

(iv) extended day and other school safety programs;

d. policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;

e. policies and procedures for contacting parents, guardians or persons in parental relation to the students of the district in the event of a violent incident and policies and procedures for contacting parents, guardians or persons in parental relation to an individual student of the district in the event of an implied or direct threat of violence by such student against themselves, which for purposes of this section shall include suicide;

f. policies and procedures relating to school building security, including where appropriate the use of school safety officers and/or security devices or procedures;

g. policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including but not limited to the identification of family, community and environmental factors, to teachers, administrators, school personnel, persons in parental relation to students of the district, students and other persons deemed appropriate to receive such information;

h. policies and procedures for annual school safety training for staff and students; provided that the district must certify to the commissioner that all staff have undergone annual training on the emergency response plan, and that the school safety training include components on violence prevention and mental health, such training may be implemented and conducted in conjunction with existing professional development and training; provided however that new employees hired after the start of the school year shall receive training within thirty days of such hire or as part of a district's existing new hire training program, whichever is sooner;

i. protocols for responding to bomb threats, hostage-takings, intrusions and kidnappings;

j. strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence and establishing anonymous reporting mechanisms for school violence;

k. a description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity; and

l. the designation of the superintendent, or superintendent's designee, as the district chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and ensuring staff understanding of the district-level safety plan. The chief emergency officer shall also be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

3. A building level emergency response plan, developed by the building-level emergency response team defined in subdivision four of this section, shall be kept confidential, including but not limited to the floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area, and shall not be disclosed except to authorized department or school staff, and law enforcement officers, and shall include the following elements:

a. policies and procedures for response to emergency situations, such as those requiring evacuation, sheltering, and lock-down. These policies shall include, at a minimum, evacuation routes, shelter sites, and procedures for addressing medical needs, transportation and emergency notification of parents and guardians;

b. designation of an emergency response team comprised of school personnel, law enforcement officials, fire officials and representatives from local regional and/or state emergency response agencies, other appropriate incident response teams, and a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and others who can assist the school community in coping with the aftermath of a violent incident;

c. floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;

d. establishment of internal and external communication systems in emergencies;

e. definition of the chain of command in a manner consistent with the national interagency incident management system/incident command system;

f. coordination of the emergency response plan with the state-wide plan for disaster mental health services to assure that the school has

access to federal, state and local mental health resources in the event of a violent incident;

g. procedures for review and the conduct of drills and other exercises to test components of the emergency response plan; and

h. policies and procedures for securing and restricting access to the crime scene in order to preserve evidence in cases of violent crimes on school property.

4. Each district-wide school safety team shall be appointed by the board of education, or the chancellor in the case of the city school district of the city of New York, and shall include but not be limited to representatives of the school board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel. At the discretion of the board of education, or the chancellor in the case of the city of New York, a student may be allowed to participate on the safety team, provided however, that no portion of a confidential building-level emergency response plan shall be shared with such student nor shall such student be present where details of a confidential building-level emergency response plan or confidential portions of a district-wide emergency response strategy are discussed. Each building-level emergency response team shall be appointed by the building principal, in accordance with regulations or guidelines prescribed by the board of education, chancellor or other governing body. Such building-level teams shall include but not be limited to representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials or other emergency response agencies, and any other representatives the board of education, chancellor or other governing body deems appropriate.

5. The district-wide safety plan and building-level emergency response plans shall be reviewed by the appropriate team on at least an annual basis and updated as needed.

6. Each board of education, chancellor or other governing body shall make each district-wide safety plan available for public comment at least thirty days prior to its adoption. Such district-wide plans may be adopted by the school board only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Each district shall file a copy of its district-wide safety plan with the commissioner and all amendments to such plan shall be filed with the commissioner no later than thirty days after their adoption.

7. Each board of education, chancellor or other governing body or officer shall ensure a copy of each building-level emergency response plan and any amendments thereto, shall be filed with the appropriate local law enforcement agency and with the state police within thirty days of its adoption. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under article six of the public officers law or any other provision of law. If the board of education, chancellor or other governing body or chancellor fails to file such plan as required by this section, the commissioner may, in an amount determined by the commissioner, withhold public money from the district until the district is in compliance.

8. The commissioner shall annually report to the governor and the legislature on the implementation and compliance with the provisions of this section.

9. Whenever it shall have been demonstrated to the satisfaction of the commissioner that a school district has failed to adopt a code of conduct which fully satisfies the requirements of section twenty-eight hundred one of this article, or a district-wide safety plan or

building-level emergency response plans which satisfies the requirements of this section, or to faithfully and completely implement all three, the commissioner may, on thirty days notice to the district, withhold from the district monies to be paid to such district for the current school year pursuant to section thirty-six hundred nine-a of this chapter, exclusive of monies to be paid in respect of obligations to the retirement systems for school and district staff and pursuant to collective bargaining agreements, or the commissioner may direct the district to expend up to such amount upon the development and implementation of a code of conduct and a school district safety plan as required by such sections. Prior to such withholding or redirection, the commissioner shall provide the district an opportunity to present evidence of extenuating circumstances; when combined with evidence that the district shall promptly comply within short time frames that shall be established by the commissioner as part of an agreement between the district and the commissioner, the commissioner may temporarily stay the withholding or redirection of funds pending implementation of such agreement. If the district promptly and fully complies with the agreement and is in full compliance with this section and section twenty-eight hundred one of this article, the commissioner shall abate the withholding in its entirety. Any failure to meet the obligations of the compliance agreement by the district within the time frames established shall be considered a willful violation of a commissioner's order by the members of the district board for purposes of subdivision one of section three hundred six of the education law. Notwithstanding any other law, rule or regulation, such transfer shall take effect upon filing of a notice thereof with the director of the budget and the chairs of the senate finance and assembly ways and means committees.

10. Every school shall define the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input, including, but not limited to, parents, students, school administrators, teachers, collective bargaining units, parent and student organizations and community members, as well as probation officers, prosecutors, defense counsels and courts that are familiar with school discipline. Such written contract or memorandum of understanding shall define the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. Such contract or memorandum of understanding shall be consistent with the code of conduct, define law enforcement or security personnel's roles, responsibilities and involvement within a school and clearly delegate the role of school discipline to the school administration. Such written contract or memorandum of understanding shall be incorporated into and published as part of the district safety plan.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, 2801-a of the Education Law and Section 32 of Chapter 59 of the Laws of 2019.

Section 155.17 of the Regulations of the Commissioner of Education shall be amended to read as follows:

155.17 School safety plans.

(a) Development of school safety plans. Every board of education of a school district, every board of cooperative educational services and county vocational education and extension board and the chancellor of the City School District of the City of New York shall adopt by July 1, 2001, and shall update by July 1st for the 2002-2003 through the 2015-2016 school years and shall update and adopt by September 1st for the 2016-2017 school year and each subsequent September 1st thereafter, a comprehensive district-wide school safety plan and building-level emergency response plans regarding crisis intervention and emergency response and management, provided that in the City School District of the City of New York, such plans shall be adopted by the chancellor of the city school district. Such plans shall be developed by a district-wide school safety team and a building-level emergency response team, as such terms are defined in subdivision (b) of this section, and shall be in a form developed by the commissioner in consultation with the Division of Criminal Justice Services, the superintendent of the State Police and any other appropriate State agencies. Each district-wide school safety plan and building-level emergency response plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed.

(b) Definitions.

As used in this section:

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(14) District-wide school safety team means a district-wide team appointed by the board of education, the chancellor in the case of New York City, or other governing board. The district-wide team shall include, but not be limited to, representatives of the school board, teacher, administrator, and parent organizations, school safety personnel and other school personnel. At the discretion of the board of education, or the chancellor in the case of the City of New York, a student may be allowed to participate on the safety team, provided however, that no portion of a confidential building-level emergency response plan shall be shared with such student nor shall such student be

present [where] when details of a confidential building-level emergency response plan or confidential portions of a district-wide emergency response strategy are discussed.

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(c) District-wide school safety plans and building-level emergency response plans.

District-wide school safety plans and building-level emergency response plans shall be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and school districts with local and county resources in the event of such incidents or emergencies.

(1) District-wide school safety plans. A district-wide school safety plan shall be developed by the district-wide school safety team and shall include, but not be limited to:

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(xi) policies and procedures relating to school building security, including, where appropriate:

a. the use of school safety or security officers and/or school resource officers.

Beginning with the 2019-20 school year, and every school year thereafter, every school shall define the areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input, including, but not limited to, parents, students, school administrators, teachers, collective bargaining units, parent and student organizations and community members, as well as probation officers, prosecutors, defense counsels and courts that are familiar with school discipline. Such written contract or memorandum of understanding shall define the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. Such contract or memorandum of understanding shall be consistent with the code of conduct, define law enforcement or security personnel's roles, responsibilities and involvement within a school and clearly delegate the role of school discipline to the school administration. Such written contract or memorandum of understanding shall be incorporated into and published as part of the district safety plan;

and

b. security devices or procedures;

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(3)

(a) Each board of education, chancellor or other governing body shall make each district-wide safety plan available for public comment at least 30 days prior to its adoption. Such district-wide plans may be adopted by the school board only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Each district shall [file a copy of] submit its district-wide safety plan and all amendments to such plan [with] to the commissioner [and all amendments to such plan], [shall be filed with the commissioner] in a manner prescribed by the commissioner, within [no later than] 30 days after [their] its adoption [.]. Commencing with the 2019-2020 school year, such district-wide plans must be submitted no later than October 1, 2019, and each subsequent October 1 thereafter.

(b) Each board of education, chancellor or other governing body or officer shall ensure that [a copy of] each building-level emergency response plan and any amendments thereto, is [filed with] submitted to the appropriate local law enforcement agency and [with] the State Police within 30 days of its adoption, but no later than October 15 [, 2016 and each subsequent October 15th thereafter.] for the 2016-2017, 2017-2018, 2018-2019 and 2019-2020 school years and for the 2020-2021 school year

and thereafter, such building-level emergency response plans must be submitted no later than October 1, 2020, and each subsequent October 1 thereafter. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under article six of the Public Officers Law or any other provision of law.

(d) . . .

(e) . . .

(f) Reporting. Each superintendent shall notify the commissioner as soon as possible whenever the emergency plan or building-level school safety plan is activated and results in the closing of a school building in the district, and shall provide such information as the commissioner may require in a manner prescribed by the commissioner. School districts within a supervisory district shall provide such notification through the district superintendent, who shall be responsible for notifying the commissioner. Such information need not be provided for routine snow emergency days.

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