



**TO:** P-12 Education Committee

**FROM:** Angelique Johnson-Dingle *Angelique Johnson-Dingle*

**SUBJECT:** Proposed Amendment of Section 155.17 of the Regulations of the Commissioner of Education Relating to School Safety Plan Requirements

**DATE:** April 4, 2024

**AUTHORIZATION(S):** *Dom N. A. Bellizzi*

### SUMMARY

#### **Issue for Discussion**

Should the Board of Regents adopt the proposed amendment of section 155.17 of the Commissioner's Regulations relating to school safety plan requirements?

#### **Reason for Consideration**

Review of policy.

#### **Proposed Handling**

The proposed amendment will be presented to the P-12 Education Committee for discussion at the April 2024 Board of Regents meeting. A copy of the proposed rule is attached (Attachment A).

#### **Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on May 1, 2024, for a 60-day public comment period. Supporting materials are available upon request to the Secretary of the Board of Regents.

#### **Background Information**

Tragically, the occurrence of violence in schools continues to be a significant concern for parents, students, educators, and the public as well as first responders and other emergency personnel. The safety of New York's schools is of paramount importance to the Board of Regents, the Department, and our State's elected officials. To inform policy decisions related to school safety, in 1999 the Board of Regents created the New York State Safe Schools Task Force (Task Force) following the horrific shooting and loss of

13 lives at Columbine High School. In January 2013, the Board reconvened the Task Force following the horrendous school shooting at Sandy Hook Elementary School that resulted in the death of 20 students and 6 educators in Newtown, CT in December 2012. The focus of the Task Force is to make recommendations to the Department and Board of Regents related to school safety.

Additionally, in 2013, the NYS SAFE Act amended the Education Law to require the creation of a School Safety Improvement Team (SSIT), comprised of representatives from the following four agencies and the Governor's Office: New York State Education Department, New York State Police, New York State Division of Homeland Security and Emergency Services and the New York State Division of Criminal Justice Services. The SSIT is tasked with making recommendations regarding issues related to school safety.

It remains essential to have a plan in place for how the school and community will respond in an emergency. Education Law §2801-a and Commissioner's regulation §155.17 require that each public school,<sup>1</sup> Board of Cooperative Educational Services (BOCES), and county Vocational Education and Extension Board (VEEB) develop, and annually update, a confidential building-level Emergency Response Plan (ERP) that details how school personnel and students would respond to different types of emergency situations that may occur in their school. In addition, each public school, BOCES, and VEEB must also develop, and annually update, a district-wide school safety plan that provides critical information to parents, educators, and the school community about the policies and procedures that are in place related to school safety. Students and staff must receive annual training on the emergency response procedures detailed in the plans.

In addition, Education Law §807 requires that schools conduct at least eight evacuation and four lockdown drills each school year so that students and staff may practice the emergency procedures in the building-level ERP. The development of school and district plans, providing training to staff and students on the emergency procedures, and practicing them are critical components of emergency preparedness and school safety.

In recent years, concerns have been raised nationwide about the unintended trauma or harm to students, staff, and/or families that may result from drills that are not communicated as being practice rather than an actual emergency. This is pronounced when a drill is conducted that includes elements to simulate a possible emergency.

## **Proposed Amendment**

In June 2023 and December 2023, members of the Safe Schools Task Force and the School Safety Improvement Team recommended changes to the Commissioner's regulations. Therefore, consistent with such recommendations, the Department proposes the following amendments to section 155.17 of the regulations.

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<sup>1</sup> While Education Law §2801-a and section 155.17 of the Commissioner's regulations do not explicitly reference charter schools, charter schools are public schools and are subject to these provisions as charter schools must meet the same safety requirements applicable to other public schools pursuant to Education Law §2854(1)(b).

## **Definitions:**

- The proposed rule defines the terms “trauma,” “trauma-informed,” and “trauma-informed drills.”

**District-wide School Safety Plans.** The proposed rule amends the district-wide school safety plan provisions of section 155.17 to:

- Explicitly reference bus drivers and monitors for the purpose of inclusion in the district-wide school safety team and certain policies and procedures in the district-wide plan.
- Where applicable, require that district-wide school safety plans include information regarding school or district-level behavioral assessment teams or county or regional threat assessment teams.
- Require schools to establish procedures regarding notification of parents or persons in parental relation regarding drills.
- Require that: (1) drills and training be conducted in a trauma-informed, developmentally and age-appropriate manner; (2) drills and training not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency; and (3) students and staff be informed when a school is conducting a drill.
- Provide requirements for schools and districts that opt to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials. Exercises that include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency may not be conducted on a regular school day and when school activities such as athletics are occurring on school grounds. In addition, such exercises cannot include students without written consent from parents or persons in parental relation.
- Identifying the district’s policy for communicating potentially violent incidents to parents.

**Building-level Emergency Response Plans.** The proposed rule amends the building-level emergency response plan provisions of section 155.17 to:

- Require that floor plans and area maps that are submitted as part of every school’s annual building-level emergency response plan submission to state and local law enforcement include the identification of certain critical information that would be needed by emergency responders in an emergency.
- Require that drills be: (1) conducted in a trauma-informed, developmentally and age-appropriate manner; not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other

emergency; and that students and staff be informed when a school is conducting a drill; (2) occur after annual training in emergency procedures has been provided to students and staff; and (3) be completed on different days of the week and during different times of the school day.

### **Reporting:**

- The proposed regulation clarifies that in school districts with a supervisory district, the superintendent must provide timely notification to the BOCES district superintendent.

### **Evacuation and Lockdown Drills:**

- The proposed regulation sets forth evacuation and lockdown drill requirements as provided in Education Law §807 and requires that one emergency dismissal drill be conducted to test emergency response procedures that require early dismissal.

The amendments would take effect beginning with the 2024-25 school year.

### **Related Regents Items**

June 2016: [Proposed Amendment of Sections 155.17 of the Commissioner's Regulations relating to School Safety Plans and Fire and Emergency Drills](https://www.regents.nysed.gov/sites/regents/files/616p12a3.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/616p12a3.pdf>)

September 2016: [Proposed Amendment of Section 155.17 of the Commissioner's Regulations relating to School Safety Plans and Fire and Emergency Drills](https://www.regents.nysed.gov/sites/regents/files/916brca15.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/916brca15.pdf>)

July 2019: [Proposed Amendment to §155.17 of the Regulations of the Commissioner of Education Relating to School Safety Plans:](https://www.regents.nysed.gov/sites/regents/files/719p12a2.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/719p12a2.pdf>)

### **Recommendation**

Not applicable.

### **Timetable for Implementation**

It is anticipated that the proposed amendment will be presented for permanent adoption at the July 2024 Regents meeting after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the July 2024 meeting, the proposed amendment will become effective as a permanent rule on July 31, 2024.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, and 2801-a of the Education Law.

1. Subdivision (a) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Development of school safety plans. [Every] By September first of each school year, 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, and commencing with the 2023-2024 school year district-wide school safety plans shall include plans for the provision of remote instruction during any emergency school closure, 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.

2. Paragraphs (3), (12), (14), (15), (16), (17), and (18) of subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education are amended to read as follows:

(3) *Disaster* means the occurrence or imminent threat of widespread or severe damage, illness, injury, or loss of life or property resulting from any [natural or manmade causes] incident, such as fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, windstorm, wave action, epidemic, air contamination, drought, explosion, water contamination, chemical accident, communicable disease outbreak, war or civil disturbance.

(12) *Building-level emergency response planning team* means a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the board of education, the chancellor in the case of New York City, or other governing body. The building-level emergency response planning team is responsible for the designation of the emergency response team and the development of the building-level emergency response plan and its required components. The building-level emergency response team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel, other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials or other emergency response agencies, and any other representatives the school board, chancellor or other governing body deems appropriate.

(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 another governing board. The district-wide team shall include, but not be limited to, representatives of the school board, teacher, administrator, parent organizations, school safety personnel, and

other school personnel including bus drivers and monitors. 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 when details of a confidential building-level emergency response plan or confidential portions of a district-wide emergency response strategy are discussed.

(15) Emergency response team means a building-specific team designated by the building-level emergency response planning team that is comprised of school personnel, law enforcement officials, fire officials, and representatives from local, regional and/or State emergency response agencies and assists the school community in responding to a violent incident or emergency. In a school district in a city having a population of more than one million inhabitants, such emergency response team may be created on the district-level with building-level participation, and such district shall not be required to establish a unique team for each of its schools.

(16) *Post-incident response team* means a building-specific team designated by the building-level emergency response planning team that includes appropriate school personnel, medical personnel, school health personnel, mental health counselors, and others who can assist the school community in coping with the aftermath of a violent incident or emergency. In a school district in a city having a population of more than one million inhabitants, such a post-incident response team may be created on the district level with building-level participation, and such district shall not be required to establish a unique team for each of its schools.

(17) *School safety plan* means a district-wide school safety plan or a building-level [school safety] emergency response plan.

(18) *Serious violent incident* means an incident of violent criminal conduct that is or appears to be, life-threatening and warrants the [evacuation of] immediate response by students and/or staff because of an imminent threat to their safety or health, including, but not limited to riot, hostage-taking kidnapping and/or the use or threatened use of a firearm, explosive, bomb, incendiary device, chemical or biological weapon, knife or other dangerous instrument capable of causing death or serious injury.

3. Subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education is amended by adding three new paragraphs (20), (21) and (22) to read as follows:

(20) *Trauma* means an emotional response to a deeply distressing or disturbing experience such as, but not limited to, an act of violence, natural disaster, abuse, neglect, or loss.

(21) *Trauma-informed* means an understanding of trauma and how it affects the physical, emotional, and mental health of students and adults.

(22) *Trauma-informed drills* means avoiding tactics in training or drills that may introduce or activate trauma, such as the use of props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency, or inclusion of developmentally or age-inappropriate content. Drills may inadvertently prompt a negative emotional or psychological response in staff or students because of previous exposure(s) to trauma.

4. Subdivision (c) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(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, declared state



disaster emergency involving a communicable disease or local public health emergency declaration and other 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:

(i) policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which for this subdivision shall include suicide;

(ii) policies and procedures for responding to acts of violence by students, teachers, other school personnel, bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence; ...

(iii) appropriate prevention and intervention strategies, [such as] which may include:

(a) 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;

(b) the establishment or participation of school or district staff in a multi-disciplinary behavioral assessment team to assess whether certain exhibited behaviors or actions need intervention or other support, including a school or district level behavioral assessment team or, if available, a county or regional threat assessment team. Where utilized, the district-wide school safety plan shall provide a description of

the school, district, or county team and its purpose. Annual staff training on safety and emergency procedures shall include information regarding the purpose and procedures of such team.

(c) nonviolent conflict resolution training programs;

[(c)] (d) peer mediation programs and youth courts; and

[(d)] (e) extended day and other school safety programs;

(iv) ...

(v) ...

(vi) ...

(vii) ...

(viii) ...

(ix) ...

(x) ...

(xi) ...:

(xii) 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 including bus drivers and monitors, parents [and] or other persons in parental relation to students of the school district or board, students and other persons deemed appropriate to receive such information;

(xiii) ...

(xiv) procedures for review and the conduct of drills, [and other exercises to test components of the emergency response plan, including the use of] tabletop exercises, and information about emergency procedures and drills, including information about procedures and timeframes for notification of parents or persons in parental relation

regarding drills and other emergency response training(s) that include students. At their discretion, schools and districts may participate in full-scale exercises in coordination with local and county emergency responders and preparedness officials[;]. Such procedures shall ensure that:

(1) Drills conducted during the school day with students present shall be conducted in a trauma-informed, developmentally, and age-appropriate manner and shall not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency. At the time that drills are conducted, students and staff shall be informed that the activities being conducted are a drill.

(2) Tabletop exercises may be utilized by school and district safety teams as a training resource and may include a discussion-based activity for staff in an informal classroom or meeting-type setting to discuss their roles during an emergency and their responses to a sample emergency situation.

(3) Schools and districts that opt to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials that include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency shall not conduct such exercises on a regular school day or when school activities such as athletics are occurring on school grounds. Such exercises may not include students without written consent from parents or persons in parental relation.

(xv) ...

(xvi) strategies for improving communication among students, [and] between students and staff and between administration and parents or persons in parental relation regarding 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;

(xvii) ...

(xviii) ...

(xix) the designation of the superintendent, or superintendent's designee, as the district chief emergency officer whose duties shall include, but not be limited to:

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) coordinate appropriate safety, security, and emergency training for district and school staff, including required training in the district-wide school safety plan and building-level emergency response [plan] plan(s);

(g) ensure the conduct of required evacuation and lock-down drills in a trauma-informed, developmentally, and age-appropriate manner that does not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency in all district buildings as required by Education Law section 807;

and

(h) ...

(xx) ...

(xxi) ...

(2) Building-level emergency response plan. A building-level emergency response plan shall be developed by the building-level emergency response planning team, shall be kept confidential, including but not limited to the floor plans, blueprints,

schematics, or other 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:

(i) ...

(ii) ...

(iii) floor plans, blueprints, schematics, or other maps of the school interior, school grounds, and road maps of the immediate surrounding area that are clearly labeled and readily understandable to first responders navigating the building and grounds. At a minimum;

(a) floor plans shall include the school name and address; a key to define any symbols used; a compass indicating North as well as labels indicating building entrances/exits with alphabetic or numeric identifiers assigned (e.g. "Door A" or "Entrance 2"); windows, interior doors, room numbers, common areas and administrative offices labeled by use; location of water, gas and electrical shutoffs; location of fire alarm panels, fire sprinkler control valves, and if applicable fire department key boxes; and location of emergency and security equipment; and

(b) area maps shall include the school name and address; a key to define any symbols used; a compass indicating North as well as labeled buildings, outbuildings, fields, parking lots, building entrances/exits with alphabetic or numeric identifiers assigned (e.g. "Door A" or "Entrance 2"); parking area and property entrances/exits; designated fire lanes and fire apparatus access roads, evacuation routes; street names; and emergency response areas;

(iv)...

(v) ...

(vi) ...

(vii) procedures for an annual review of the building-level emergency response plan and the conduct of drills and other exercises to test components of the building-level emergency response plan, including the use of tabletop exercises, in coordination with local, county, and state law enforcement and emergency responders and preparedness officials. The purpose of the drills is to practice staff and student actions during an emergency. At the time that drills are conducted, students and staff shall be informed it is a drill. Drills shall:

(a) be conducted in a trauma-informed, developmentally, and age-appropriate manner and shall not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency;

(b) occur after annual training in emergency procedures has been provided to students and staff; and

(c) be completed on different days of the week and during different times of the school day;

(viii) ...

(ix) ...

(3)

(i) ...

(ii) Each board of education, chancellor, or other governing body or officer shall ensure that each building-level emergency response plan and any amendments thereto, is submitted to the appropriate local law enforcement agency and the State Police within 30 days of its adoption, but no later than October [15th for the 2016-2017, 2017-2018, 2018-2019 and 2019-2020 school years and] 1 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 1st 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.

5. Subdivisions (f) and (h) of section 155.17 of the Regulations of the Commissioner of Education are amended to read as follows

(f) *Reporting.*

(1) [Each superintendent] Whenever the building-level emergency response plan is activated and results in the closing of a school building, the superintendent or their designee 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. In addition, school districts within a supervisory district [may] shall provide [such] timely notification [through] to the BOCES district superintendent[, who shall be responsible for notifying the commissioner]. Such information need not be provided for routine snow emergency days. [Provided, however, that for the 2020-21 and 2021-22 school years, districts shall provide such notification for snow emergency days, including those days converted to remote instruction under the 2020-21 and 2021-22 snow day pilot in accordance with the provisions of this subdivision.]

(2) Beginning in the 2022-2023 school year, each chief executive officer shall report to the Commissioner, no later than June 30 of each school year, on a form and format prescribed by the Commissioner, the results of the survey on student access to computing devices and access to internet connectivity required pursuant to subparagraph (xxi) of paragraph (1) of subdivision (c) of this section.

(h) [*Fire and*] Evacuation, Lockdown, and Emergency Dismissal Drills. (1) Each school district and board of cooperative educational services shall practice emergency

response procedures under its district-wide school safety plan and each of its building-level emergency response plans, [ at least once every school year, and] where possible in cooperation with local [county] law enforcement, emergency preparedness plan officials, [conduct one test of its emergency response procedures under each of its building-level emergency response plans, including sheltering, lock-down, or early dismissal, at a time not to occur more than 15 minutes earlier than the normal dismissal time.] and other first responders as follows:

(i) Evacuation and Lockdown drills shall be conducted with students at least twelve times in each school year, eight of which required drills shall be held between September 1 and December 31 of each such year. Eight of all such drills shall be evacuation drills, four of which shall be through the use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress, such as through different corridors, hallways, stairways, and exit doors. Four of all such required drills shall be lock-down drills. Drills shall be conducted at different times of the school day. Students shall be instructed in the procedure to be followed in the event that a fire occurs during the lunch period or assembly, provided, however, that such additional instruction may be waived where a drill is held during the regular school lunch period or assembly. Four additional drills shall be held in each school year during the hours after sunset and before sunrise in school buildings in which students are provided with sleeping accommodations. At least two additional drills shall be held during summer school in buildings where summer school is conducted, and one such drill shall be held during the first week of summer school.

(ii) One Emergency Dismissal drill shall be conducted to test emergency response procedures that require early dismissal, at a time not to occur more than 15 minutes earlier than the normal dismissal time.



[(1)] (2) Parents or persons in parental relations shall be notified at least one week prior to the drill.

[(2)] (3) Such drills shall test the usefulness of the communications and transportation system during emergencies.

[(3)] (4) The provisions of section 175.5(a) of this Title regarding the length of school day for State aid purposes shall not apply to school days in which less than the minimum number of hours is conducted because of an early dismissal pursuant to this subdivision.