

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 2801-a, and Chapter 54 of the Laws of 2016.

1. Section 155.17 of the Regulations of the Commissioner of Education is amended, effective September 28, 2016, as follows:

§155.17

[(a) ...]

(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 of each succeeding year] July 1 for the 2002-2003 through the 2015-2016 school years and by September 1 for the 2016-2017 school year and each subsequent September 1 thereafter, a comprehensive district-wide school safety plan and building-level [school safety] 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 [school safety] emergency response team, as such terms are defined in subdivision [(c)] (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. [A school district having only one school building shall develop a single building-level school safety plan, which shall also fulfill all

requirements for development of a district-wide plan to insure the safety and health of children and staff and to insure integration and coordination with similar emergency planning at the municipal, county and State levels.] 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.

[(c)] (b) *Definitions.* As used in this section:

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(4) *Emergency* means a situation, including but not limited to a disaster[,] that requires immediate action, occurs unpredictably, and poses a threat of injury or loss of life to students or school personnel or of severe damage to school property.

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(10) *Lock-down* means to immediately clear the hallways, lock and/or barricade doors, hide from view, and remain silent while readying a plan of evacuation as a last

resort. Lock-down will only end upon physical release from the room or secured area by law enforcement.

[(10)] (11) *Building-level [school safety] emergency response plan* means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents prescribed in paragraph [(e)](c)(2) of this section.

[(11)] (12) *Building-level [school safety] emergency response 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 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, 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.

[(12)] (13) *District-wide school safety plan* means a comprehensive, multi-hazard school safety plan that covers all school buildings of the school district, BOCES or county vocational education and extension board, that addresses crisis intervention, emergency response and management at the district level and has the contents

prescribed in paragraph [(e)](c)(1) of this section.

[(13)] (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, [student,] 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.

[(14)] (15) *Emergency response team* means a building-specific team designated by the building-level [school safety] emergency response team that [includes appropriate] is comprised of school personnel, [local] 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 [serious] 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.

[(15)] (16) *Post-incident response team* means a building-specific team

designated by the building-level [school safety] emergency 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 [serious] violent incident or emergency. In a school district in a city having a population of more than one million inhabitants, such 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.

[16] (17) . . .

[17](18) . . .

[(d) . . .]

[(e)] (c) District-wide [School] school safety plans and building-level emergency response plans. District-wide school safety plans and building-level [school safety] emergency response plans shall be designed to prevent or minimize the effects of [serious] 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:

[(i) . . .

(ii) . . .

(iii)] (i) policies and procedures for responding to implied or direct threats of

violence by students, teachers, other school personnel and visitors to the school, including threats by students against themselves, which for the purposes of this subdivision shall include suicide;

[(iv)] (ii)...

[(v)] (iii)...

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[(vii)] (v) ...

[(viii)] (vi)...

[(ix)] (vii)...

[(x)] (viii)...

[(xi)] (ix)...

(x) 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 the purposes of this subdivision shall include suicide;

[(xii)] (xi)...

[(xiii)] (xii)...

[(xiv)] (xiii) policies and procedures for annual multi-hazard school safety training for staff and students, provided that the district must certify to the commissioner that all staff have undergone annual training by September 15, 2016 and each subsequent September 15 thereafter on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year shall receive such training within

30 days of hire or as part of the district's existing new hire training program, whichever is sooner.

[(xv)] (xiv)...

[(xvi)] (xv)...

[(xvii)] (xvi)...

[(xviii)] (xvii)...

[(xix)] (xviii) in the case of a school district, except in a school district in a city having more than one million inhabitants, a system for informing all educational agencies within such school district of a disaster[.]; and

(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) coordination of the communication between school staff, law enforcement, and other first responders;

(b) lead the efforts of the district-wide school safety team in the completion and yearly update of the district-wide school safety plan and the coordination of the district-wide plan with the building-level emergency response plans;

(c) ensure staff understanding of the district-wide school safety plan;

(d) ensure the completion and yearly update of building-level emergency response plans for each school building;

(e) assist in the selection of security related technology and development of procedures for the use of such technology;

(f) coordinate appropriate safety, security, and emergency training for district and school staff, including required training in the emergency response plan;

(g) ensure the conduct of required evacuation and lock-down drills in all district buildings as required by Education Law section 807; and

(h) ensure the completion and yearly update of building-level emergency response plans by the dates designated by the commissioner.

(2) [School] Building-level emergency response plan. A [school] building-level emergency response plan shall be developed by the building-level [school safety] emergency response 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) policies and procedures for the [safe evacuation of students, teachers, other school personnel and visitors to the school in the event of a serious violent incident or other emergency which may occur before, during or after school hours] response to emergency situations, such as those requiring evacuation, sheltering, and lock-down, which shall include, at a minimum, the description of plans of action for evacuation [and], sheltering, lock-down, evacuation routes and shelter sites, and procedures for addressing medical needs, transportation and emergency notification to persons in parental relation to a student;

(ii)...

(iii) [procedures for assuring that crisis response, fire and law enforcement officials have access to] floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;

(iv)...

(v) . .

(vi) coordination of the [school safety] building-level emergency response plan with the statewide 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;

(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, [and] county, and state emergency responders and preparedness officials;

(viii) . . .

(ix) . . .

(3) Each board of education, chancellor or other governing body shall make each district-wide [and building-level school] safety plan available for public comment at least 30 days prior to its adoption[, provided that only a summary of each building-level emergency response plan shall be made available for public comment]. Such district-wide [and building-level] 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 [comprehensive] safety plan with the commissioner and all amendments to such plan shall be filed with the commissioner_no later than 30 days after their adoption. Each board of education, chancellor or other governing body or officer shall ensure that a copy of each building-level [safety] emergency response plan and any amendments thereto, [shall be] is filed with 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 15 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.

[(4) . . .]

(f) . . .

(g) . . .

(h) . . .

(i) . . .

(j) Fire and Emergency Drills. Each school district and board of cooperative educational services shall, at least once every school year, and where possible in cooperation with local county emergency preparedness plan officials, conduct one test of its [emergency plan or its] emergency response procedures under each of its building-level emergency response [school safety] plans, including sheltering, lock-down, or early dismissal, at a time not to occur more than 15 minutes earlier than the normal dismissal time.

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