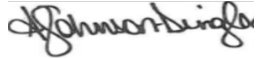





THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** The Honorable Members of the Board of Regents

**FROM:** Angelique Johnson-Dingle 

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

**DATE:** December 29, 2022

**AUTHORIZATION(S):** 

#### **SUMMARY**

#### **Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed amendment to §155.17 of Commissioner's Regulations relating to school safety plans?

#### **Reason(s) for Consideration**

Required by State statute.

#### **Proposed Handling**

The proposed amendment is presented to the Full Board for adoption as a permanent rule at the January 2023 Board of Regents meeting. A copy of the proposed rule is included (Attachment A).

#### **Procedural History**

The proposed amendment was presented to the P-12 Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at the September 2022 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on September 28, 2022, for a 60-day public comment period.

Because the September 2022 emergency action was set to expire on December 11, 2022, a second emergency action was necessary at the November 2022 Regents

meeting to ensure the emergency rule remained continuously in effect until it could be permanently adopted at the January 2023 Regents meeting. A Notice of Emergency Adoption was published in the State Register on December 28, 2022.

Following publication in the State Register, the Department received comments on the proposed amendment. An Assessment of Public Comment is included (Attachment B). No changes to the proposed amendment are recommended at this time. A Notice of Adoption will be published in the State Register on January 25, 2023. Supporting materials are available upon request from the Secretary to the Board of Regents.

### **Background Information**

Over the past few decades, threats to schools have evolved and recent events nationwide have reinforced that school staff must be prepared to take immediate protective action in the event of such an incident.

In February 2019, Alyssa Alhadeff was killed in a mass shooting at the Marjorie Stoneman Douglass High School in Parkland, Florida. Alyssa's parents established a foundation in her memory and have advocated for the adoption of silent panic alarm systems in school buildings. The implementation of an alert directly to all law enforcement in the area of a school can save precious minutes in an active shooter situation and allow for immediate police response, which may save lives.

On June 23, 2022, [Governor Hochul signed Alyssa's Law](#), Chapter 227 of the Laws of 2022 (Chapter 227) which became effective immediately. Chapter 227 amends Education Law §2801-a to require that district-wide school safety teams of public schools, boards of cooperative educational services, and county vocational education extension boards consider the usefulness of silent panic alarm systems when reviewing and amending district-wide safety plans. Additionally, Chapter 227 expressly authorizes the inclusion of panic alarm systems in building-level emergency response plans and adds a definition for "panic alarm systems." The proposed amendments to Commissioner's regulation §155.17 conforms such section to the amendments made to Education Law §2801-a by Chapter 227.

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That section 155.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 25, 2023.

### **Timetable for Implementation**

If adopted at the January 2023 meeting, the proposed amendment will become effective as a permanent rule on January 25, 2023.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, 2801-a of the Education Law and Chapter 227 of the Laws of 2022.

1. Subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education is amended by adding a new paragraph (19) to read as follows:

(19) Panic alarm system means a silent security system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring a response from local law enforcement or, in the case of a school building located in a municipality in which there is no municipal police department, a location designated by the superintendent of state police and may include one or more of the following: wired panic button or buttons, wireless panic button or buttons or a mobile or computer application.

2. Clause (b) of subparagraph (xi) paragraph (1) of subdivision (c) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) security devices or procedures. District-wide school safety teams shall consider, as part of their review of the comprehensive district-wide safety plan, the installation of a panic alarm system;

3. Subparagraph (iv) of paragraph (2) of subdivision (c) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(iv) establishment of internal and external communication systems in emergencies which may include the installation of a panic alarm system;

ASSESSMENT OF PUBLIC COMMENT

Following publication of the Notice of Emergency Adoption and Proposed Rule Making in the State Register on September 28, 2022, the Department received the following comment on the proposed amendment:

1. COMMENT:

A commenter indicated that the definition of “silent security system” is ambiguous because it is unclear if the process or the manual actuating device itself is silent. The commenter requested that the regulatory language be amended to clarify.

DEPARTMENT RESPONSE:

The amendments to Commissioner’s regulation §155.17 were made to comply with the statutory amendments to Education Law §2801-a made by Chapter 227 of the Laws of 2022. The statutory language specifies “shall mean a silent security system signal,” which is meant to distinguish a silent panic alarm that notifies law enforcement from an alarm that by design makes noise, such as a fire or carbon monoxide alarm. Therefore, the Department does not believe that any revisions are necessary.