



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

TO: The Honorable the Members of the Board of Regents

FROM: John B. King, Jr.

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

DATE: July 11, 2011

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend Section 155.17(e) of the Regulations of the Commissioner of Education to require that certain information relating to school safety be included in the school emergency response plan, which is confidential, rather than the district-wide school safety plan, which is available to the public?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment will come before the Full Board for action at the July Regents meeting.

Procedural History

The proposed amendment was discussed by the P-12 Education Committee at the May Regents meeting. A Notice of Proposed Rule Making was published in the State Register on May 18, 2011. Supporting materials are available on request from the Secretary to the Board of Regents.

Background

In 2000, Chapter 181 enacted Education Law §2801-a requiring the implementation of certain school safety plans. Education Law §2801-a specially required that every school district, board of cooperative educational services (BOCES) and county vocational education extension board, as well as the Chancellor of the City School District of the City of New York, develop a district-wide school safety plan and building-level school safety plans regarding crisis intervention and emergency response (“school emergency response plan”). Section 2801-a prescribed minimum requirements of a district-wide school safety plan and a school emergency response plan, which included policies and procedures relating to responding to certain threats. These plans were designed to prevent or minimize the effects of emergencies and to facilitate the coordination of schools and school districts with local and county resources in the event of such emergencies.

Education Law §2801-a also required that each district-wide school safety plan be filed with the Commissioner of Education no later than thirty days after adoption and that each school emergency response plan be filed with the appropriate local law enforcement agency and State Police within thirty days from adoption. Both plans were to be adopted and annually updated following a public hearing, provided, however, that only a summary of the building-level plan would be made available for public comment given the sensitive nature of its contents. Conversely, the district-wide school safety plan would be made available to the public for review. Further and significantly, Education Law §2801-a expressly required that every school emergency response plan be kept confidential and prohibited from disclosure pursuant to Article VI of the Public Officers Law, the Freedom of Information Law (FOIL).

In July 2001, the Board of Regents amended Section 155.17 of the Commissioner’s regulations to implement Education Law §2801-a by prescribing these new school safety plan requirements in regulation. In accordance with statutory authority, Section 155.17, as amended, required that the district-wide school safety plan include the minimum requirements prescribed by law, but additionally required the inclusion of plans of evacuation and sheltering as well as information on school population, number of staff, transportation needs and the business and home telephone numbers of key officials of each educational agency within such district.

Since the adoption of these amendments, many events surrounding safety and security, including the attacks on September 11, 2001, have occurred which modified strategies associated with emergency response and school safety. The inclusion of any tactical strategy, floor plan or schematics for responding to any such threat should not be made available to the public. Disclosure of such information threatens the safety of students, staff and the public. The intent of the district-wide school safety plan is to provide broad concepts and policies related to preparing for and responding to issues of school safety, while the building-level, school emergency response plan is to provide any details on how to respond. Therefore, this amendment is consistent with law and sound policy in requiring plans of evacuation and sheltering and home telephone

numbers, etc. only be included in the school emergency response plan, which is kept confidential.

This proposed amendment will ensure that confidential information including the home telephone numbers of local education officials and the tactical strategies for responding to critical events such as building evacuation and sheltering are not disclosed to the public. The amendment will also reinforce the strategies related to the public availability of strategic plans for responding to certain emergencies in schools, as well as the public availability of key information related to certain information about each educational agency located in the school district.

Recommendation

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

VOTED: That subdivision (e) of section 155.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective August 10, 2011.

Timetable for Implementation

If adopted at the July 2011 meeting, the proposed amendment will become effective on August 10, 2011.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Subdivision (e) of section 155.17 of the Regulations of the Commissioner of Education is amended, effective August 10, 2011, as follows:

(e) School safety plans. District-wide school safety plans and building-level school safety 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) the identification of sites of potential emergency;

(ii) except in a school district in a city having a population of more than one million inhabitants, a description of plans for taking the following actions in response to an emergency where appropriate:

(a) school cancellation;

(b) early dismissal;

[(c) evacuation;

(d) sheltering;]

(iii) policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel and visitors to the school;

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

(v) appropriate prevention and intervention strategies, such as:

(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) nonviolent conflict resolution training programs;

(c) peer mediation programs and youth courts; and

(d) extended day and other school safety programs;

(vi) policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;

(vii) except in a school district in a city having a population of more than one million inhabitants, a description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;

(viii) except in a school district in a city having a population of more than one million inhabitants, the procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of article 2-B of the Executive Law;

(ix) except in a school district in a city having a population of more than one million inhabitants, the identification of district resources which may be available for use during an emergency;

(x) except in a school district in a city having a population of more than one million inhabitants, a description of procedures to coordinate the use of school district resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;

(xi) 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 or an early dismissal;

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

(xiii) 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, parents and other persons in parental relation to students of the school district or board, students and other persons deemed appropriate to receive such information;

(xiv) policies and procedures for annual multi-hazard school safety training for staff and students;

(xv) 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, in coordination with local and county emergency responders and preparedness officials;

(xvi) the identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions and kidnappings;

(xvii) 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;

(xviii) 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;

(xix) 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

(xx) in the case of a school district, except in a school district in a city having more than one million inhabitants, certain information about each educational agency located in the school district, including information on school population, number of staff, transportation needs and the business and home telephone numbers of key officials of each such agency] .

(2) School emergency response plan. A school building emergency response plan shall be developed by the building-level school safety team 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, which shall include the description of plans of action for evacuation and sheltering, evacuation

routes and shelter sites, and procedures for addressing medical needs, transportation and emergency notification to persons in parental relation to a student;

(ii) designation of an emergency response team, other appropriate incident response teams, and a post-incident response team;

(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) establishment of internal and external communication systems in emergencies;

(v) definition of the chain of command in a manner consistent with the National [Interagency] Incident Management System (NIMS)/Incident Command System (ICS);

(vi) coordination of the school safety 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 and the conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;

(viii) 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 ;

(ix) in the case of a school district, except in a school district in a city having more than one million inhabitants, certain information about each educational agency located in the school district, including information on school population, number of staff,

transportation needs and the business and home telephone numbers of key officials of each such agency .