

ReOFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 8. EDUCATION DEPARTMENT
CHAPTER II. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER J. BUILDINGS AND TRANSPORTATION
PART 155. EDUCATIONAL FACILITIES

Current through April 17, 2017

(Statutory authority: Education Law, §§ 101, 207, 215, 305, 305[14] as amd. by L. 1997, ch. 464, 403-a, 403-b, 408, 409, 409-d, 409-e, 409-f[1]-[2], 409-h, 1950[4][t], 2503, 2554, 2801-a, 3602, 3602-a[4], 3641, 3713[1], [2], 4402, 4403; Energy Law, § 9-103[8]; Environmental Conservation Law, §§ 8-0113[3], 8-0117[5]; 26 USC, §§ 142[a], [k], 1397E; Executive Law, art. 2-B; L. 1987, ch. 53, § 17; L. 1992, chs. 466, 700; L. 1993, ch. 700; L. 1994, ch. 64, §§ 1, 2; L. 1997, ch. 436; L. 1998, ch. 58, §§ 13, 48, ch. 56, part B, § 1; L. 2000, ch. 60, part A, § 5 and ch. 181; L. 2000, ch. 185, § 6; L. 2001, ch. 217; L. 2002, ch. 231)

Section 155

Section 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 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:

- (1) Educational agencies means public and nonpublic elementary and secondary schools, public and private nursery schools, approved private schools for the education of students with disabilities as defined in section 200.1(d) of this Title, and public and private schools for the education of preschool children with disabilities.
- (2) Superintendent means a superintendent of schools or a district superintendent of schools, as appropriate.
- (3) Disaster means occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade causes, such as fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, windstorm, wave action, epidemic, air contamination, drought, explosion, water contamination, chemical accident, war or civil disturbance.
- (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.
- (5) Emergency services organization means a public or private agency, organization or group other than a governmental agency, which provides police, fire, medical, ambulance, rescue, housing or other services for the relief of human suffering, injury or loss of life or property as a result of an emergency.
- (6) School cancellation means a determination by school officials that a school or schools should not be in session for one or more school days due to an emergency.
- (7) Early dismissal means returning students to their homes or other appropriate locations before the end of the school day.
- (8) Evacuation means moving students for their protection from a school building to a predetermined location in response to an emergency.
- (9) Sheltering means keeping students in school buildings and providing them with shelter when it is deemed safer for students to remain inside rather than to return home or be evacuated.
- (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.

(11) Building-level 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 (c)(2) of this section.

(12) Building-level 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.

(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 (c)(1) of this section.

(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 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 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 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 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.

(17) School safety plan means a district-wide school safety plan or a building-level school safety 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 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.

(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:

(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;

(ii) 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;

(iii) 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;

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

(v) 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;

- (vi) 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;
 - (vii) 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;
 - (viii) 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;
 - (ix) 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;
 - (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;
 - (xi) policies and procedures relating to school building security, including, where appropriate, the use of school safety officers and/or security devices or procedures;
 - (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, 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;
 - (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 15th 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;
 - (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, in coordination with local and county emergency responders and preparedness officials;
 - (xv) the identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions and kidnappings;
 - (xvi) 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;
 - (xvii) 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;
 - (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) ***Building-level emergency response plan.*** A building-level emergency response plan shall be developed by the building-level 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 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, 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) designation of an emergency response team, other appropriate incident response teams, and a post-incident response team;

- (iii) 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 Incident Management System (NIMS)/Incident Command System (ICS);
- (vi) coordination of the 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, county, and State 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.

(3) *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 its district-wide 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 emergency response plan and any amendments thereto, 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 15th 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) Use of school property.

Each board of education and board of cooperative educational services shall cooperate with appropriate State, county and city agencies in developing agreements for the use of school-owned facilities and vehicles during a disaster. School districts and boards of cooperative educational services are required to relinquish to the appropriate State or county agencies the control and use of school transportation vehicles and facilities in accordance with county emergency preparedness plans or directives.

(e) Communication liaisons.

(1) Except in a school district in a city having a population of more than one million inhabitants, each district superintendent, during a local or State emergency, shall act as the chief communication liaison for all educational agencies within the supervisory district territorial limits.

(2) The superintendent of schools in the Cities of Buffalo, Rochester, Syracuse and Yonkers, during a local or State emergency, shall act as the chief communication liaison for all educational agencies located within the city district.

(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. 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.

(g) Instruction.

Each public school superintendent and each chief school administrator of an educational agency other than a public school shall take action to provide written information, by October 1st of each school year, to all students and staff about emergency procedures.

(h) 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 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.

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

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

(3) 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.

(i) Reports by educational agencies.

Except in a school district in a city having a population of more than one million inhabitants, the chief executive officer of each educational agency located within a public school district shall provide to the superintendent of schools information about school population, number of staff, transportation needs and the business and home telephone numbers of key officials of such educational agencies.

(j) Nothing contained in subdivision (a) or (c) of this section shall prevent an educational agency from using, in part or in total, an emergency management plan previously developed in cooperation with a county or other municipality as the emergency management plan required in this section until the adoption of school safety plans as required by subdivision (b) of this section; provided, however, that all applicable requirements of this section shall be met.

(k) Commissioner of Education.

The Commissioner of Education or his or her designee may order emergency response actions by individual school districts in the event that the local officials are unable or unwilling to take action deemed to be appropriate by State and/or county emergency personnel in accordance with county or State emergency preparedness plans or directives.