



OCMBOCES

School Safety Provisions Enacted Within NY State Budget

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TO: School Superintendents, Business Administrators, Facility Directors

Safety Updates: Plans and Drills

Please be advised that the 2016-17 state budget language contained several important proposed school safety reforms. With respect to safety planning, the state attempted to remove some of the confusion between plan types by changing the name of the building-level safety plans to building-level emergency response plans. Further, the annual safety training required for staff must now include violence prevention and mental health topics. New employees must complete the training within thirty days of hire. Confidentiality has always been a part of safety planning, and now the law specifies that floor plans, blueprints, and interior and exterior maps should not be disclosed except to authorized staff and law enforcement.

In an attempt to modernize safety drills, the state will now require both fire evacuation and emergency drills. More specifically, districts will be required to conduct a total of 12 fire and emergency drills during the school year. Eight drills must take place between September 1st and December 31st, a change from the former date of December 1st. **Four of the required drills must be lockdown drills.** The drills should take place at different times during the school day. The required number of lockdown drills is included within the twelve drills, effectively reducing the number of fire drills to eight.

Attached is a more detailed summary of the provisions issued through the NY State School Facilities Association.

(See attached file: 2016 School Safety Provisions Enacted NYS.docx)

We will be reviewing the changes in more detail as the changes are expected to impact the 2016 - 17 school year. Your Safety Officer would be happy to assist your administrative team to assess these changes and help with your compliance efforts.

As of this writing, the SED has not sent official notice that the Safe Schools NY template Building-level Plan will be mandated beginning September 1, 2016 as it was widely expected to do so earlier.

David L. Daignault, CSP
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A truly innovative idea cannot be brought to fruition by one person alone. It requires collaboration. - dld 2014

School Safety Provisions in 2016-17 Enacted Budget

By Hinman Straub Advisors, LLC

The 2016-17 enacted budget includes several reforms to the provisions of law that govern school safety plans. We have delineated below these changes for your review.

Part A – School Safety Improvements

The enacted budget extends provisions allowing for additional building aid for the purchase of stationary metal detectors, security cameras or other security devices to the 2016-17 school year. Projects eligible for additional building aid must be included in the district's school safety plan.

Part B – School Safety Plans

The enacted budget clarifies that a board of education or trustees of every school district and BOCES shall adopt and amend school safety plans which are district-wide, and school “emergency response” plans which are building-wide (building-wide plans were also previously referred to as school safety plans).

The enacted budget removes language that currently allows a school district with only one school building to use the same plan as its district-wide and building-wide plan. Rather, under the enacted budget, the commissioner of education in consultation with the superintendent of the state police may develop a process by which a school district with only one school building may request an appeal from duplicative requirements.

The following applies to district-wide safety plans:

- District-wide safety plans must include policies and procedures for responding to “threats by students against themselves; which for the purpose of this section shall include suicide.”
- District-wide safety plans must include policies and procedures for contacting parents “in the event of an implied or direct threat of violence by such student against themselves, which for purposes of this section shall include suicide.”
- District-wide safety plans must include policies and procedures for training staff; districts must certify to NYSED that all staff has undergone annual training on the following: emergency response plans, violence prevention and mental health. Training may take place as part of existing professional development. New hires shall receive training within thirty days.
- The superintendent or his/her designee shall be the district's chief emergency officer (CEO). The CEO is responsible for coordinating the communication between school staff and law enforcement/first responders. The CEO is responsible for ensuring that staff understand the district level safety plan and shall be responsible for updating the building level emergency response plans annually.
- District-wide safety teams shall be appointed by the Board of Education (or chancellor in NYC) and shall include at minimum the following:
 - Representative of the school board
 - New requirement: removes the need for a student to be appointed. Allows at the discretion of the Board of Education (or chancellor) a student to participate on a safety team provided that no portion of a confidential plan is shared with such student.
 - Teacher
 - Administrator
 - Parent organization
 - School safety personnel and
 - Other school personnel

The following applies to building-wide emergency response plans:

- The enacted proposal requires the building-wide emergency response plan to be kept confidential, including floor plans, blue prints, schematics or other maps of the school interior or grounds, and a road map of the immediate surrounding area.
- The enacted proposal permits the building-wide emergency response plan to be available to the following: authorized departments or school staff, and law enforcement officers.

- The enacted proposal changes what is required of the emergency response plan to newly include the following:
 - Policies and procedures for response to emergency situations such as those requiring evacuation, sheltering and lock-down. They shall include at minimum evacuation routes, shelter sites and procedures for addressing medical needs, transportation and the notification of parents/guardians.
- Building-wide safety teams are appointed by the principal in accordance with rules established by the Board of Education (or chancellor) and shall include at minimum the following:
 - Teacher
 - Administrator
 - Parent organization
 - School safety personnel
 - Other school personnel
 - Community member
 - Law enforcement and
 - Fire official (replaces local ambulance) or other emergency response agencies
- The new proposal removes the public comment period for building-wide emergency response plans.
- The new proposal requires that the Board of Education or governing body ensure that local law officials have a copy of the building-wide emergency response plan.

Each team shall review annually and updated, as needed, the appropriate district-wide or building-wide plan.

The provision allowing the commissioner to waive the requirements of the safety plans for a period of two years is removed.

The proposal states that the commissioner may withhold aid if a school district fails to adopt a code of conduct plan, a district-wide school safety plan, a building-wide emergency response plan, or fails to implement such plans.

Part B - Fire Drills

The enacted budget adds “emergency” to fire drills resulting in “fire and emergency drills” to aid in preparation of other types of emergency situations in addition to fire. This section applies to all public, private, or educational institutions.

The enacted budget states a district shall be required to conduct twelve (12) drills in a school year. Eight (8) drills must be conducted between September 1 and December 31 (this is a change from December 1).

The enacted budget changes the number and type of drills to the following matrix:

- Eight (8) drills shall be evacuation drills
- Four (4) of which shall use the fire escapes on buildings in which they are provided or through the use of identified secondary means of egress.
- **Four (4) drills shall be lock down drills.**
- Four (4) drills shall be held during the hours after sunset and before sunrise in school buildings in which students are provided with sleeping accommodations.
- Two (2) additional drills are required during summer school in the building where school is conducted. The first drill shall be held during the first week of summer school.

Unless otherwise stated, drills should be conducted at different times of the day. Students shall be instructed in the procedures to be followed in the event that a fire drill occurs during a lunch or assembly period. However, such additional instruction can be waived when a drill is held during a lunch or assembly period.

Part B – Waiver for Reduction of School Aid for Failing to Meet for 180 Days

The enacted adds “a credible threat to student safety as reasonably determined by a lead school official” as a reason the Commissioner may waive the reduction in aid when the schools in the district is in session less than the required 180 days.

This act (Part B) shall take effect on July 1, 2016.