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***Questions and Answers Regarding Recent
Statutory and Regulatory Changes
Related to School Emergency Response Planning
August 10, 2016***

The 2016-17 enacted State budget included amendments to Education Law Sections 2801-a and 807 (Chapter 54 of the Laws of 2016) related to school emergency response planning. The changes to legislation summarized in the May 19 memorandum from Assistant Commissioner Renee Rider became effective on July 1, 2016 (http://www.p12.nysed.gov/sss/documents/NewSafetyLegis_FieldMemoFINAL.pdf).

Accordingly, the Board of Regents adopted at the June 2016 meeting, amendments to Commissioner's regulation §155.17 as an emergency measure to conform to the legislative changes to Education Law §§2801-a and 807 which included:

- revisions to make the language of the regulation consistent with the amended statute;
- the date by which the board of education must adopt or amend district-wide school safety plans and building-level emergency response plans each school year was delayed from July 1 to September 1, beginning with the 2016-17 school year;
- the date by which the building-level emergency response plan must be submitted to the New York State Police and local law enforcement is still within 30 days of adoption. However, such submission must occur no later than October 15;
- the date by which staff must receive annual school safety and school violence prevention training, which must include components of mental health, is September 15.

The amended regulation became effective on July 1, 2016. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2016 meeting (<http://www.regents.nysed.gov/common/regents/files/616p12a3.pdf>).

The attached includes Questions and Answers about the recent changes.

**Questions and Answers Regarding Recent
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1. What is the deadline for submitting Safety Plans and annual revisions?

District-wide school safety plans and building-level emergency response plans must be adopted or amended by September 1st of each school year. The district-wide school safety plan must be posted on the district website. The building-level emergency response plan is secure and must be submitted to the New York State Police and local law enforcement within 30 days of adoption, but no later than October 15.

2. Is there a required format for the Building-Level Emergency Response Plan?

Beginning with the 2016-17 school year, schools will be required to use the Building-Level Emergency Response Plan Template which was developed and distributed by the New York State School Safety Improvement Team.¹ The template was shared with districts during statewide regional meetings that occurred during the 2014-15 school year. The template requires that schools provide essential information, in a standard predefined format. The use of a standardized format for collecting this information is the best way to ensure that police and other first responders have immediate access to this information if an emergency situation does occur in a school. The template is available to school staff at: <https://safeschools.ny.gov/>. Schools may include supplemental information beyond what is required by the template as an attachment to the copy of the plan that is kept in the school.

3. Can my district adopt different functional annexes than those included in the Building-Level Emergency Response Plan Template?

The template developed by the New York State School Safety Improvement Team adopted standardized Federal Emergency Management Agency (FEMA) language, which includes specific definitions of vital emergency terms. Using the standardized terms and definitions for Shelter-In-Place, Hold-In-Place, Evacuate, Lock-Out, and Lock-Down will improve and streamline how emergencies are communicated to staff, students, and parents so they can react appropriately, and in a timely fashion. The terminology used in the Building-Level Emergency Response Plan Template must be used by all schools in the 2016-17 school year. The Building-Level Emergency Response Plan Template is available at <https://safeschools.ny.gov/>.

¹ The New York State School Safety Improvement Team included staff from the New York State Police, the New York State Education Department, the New York State Division of Homeland Security and Emergency Services, and the New York State Division of Criminal Justice Services.

4. How do I submit my school Building-Level Emergency Response Plan to the State Police and to Local Police?

Beginning in fall 2016, schools will have the ability to electronically submit their Building-Level Emergency Response Plan to the New York State Police via the State Education Department Business Portal. Automated collection of Building-Level Emergency Response Plans from schools will allow the New York State Police to distribute the plans to troopers and other law enforcement in a consistent and comprehensive manner statewide. Electronic submission of building-level emergency response plans will be optional for the 2016-17 school year, however all schools are encouraged to use the new application. All schools must continue to share their emergency response plans with local law enforcement for the 2016-17 school year. Additional information about the automated collection of Building-Level Emergency Response Plans will be shared in the coming weeks.

5. Is it a new requirement that my school must submit a copy of our School Building-Level Emergency Response Plan to the New York State Police? Do I need to submit my Safety Plan to BOCES?

Education Law §2801-a continues to require districts to share a copy of the Building-Level Emergency Response Plan with local law enforcement and the New York State Police, a requirement that has been in the statute since 2000. There is nothing in statute or regulation requiring a school to submit their emergency response plan to BOCES.

6. When will the Building-Level Emergency Response Plans be submitted electronically through the New York State Education Department (NYSED) Business Portal?

We will begin collecting Building-Level Emergency Response Plans via an automated application that is accessed through the State Education Department Business Portal in fall 2016.

7. Where do I send my District-Wide School Safety Plan?

Education Law §2801-a and Commissioner's regulation §155.17 require each district to file a copy of its District-Wide School Safety plan with the Commissioner. To comply with this requirement, each district must post their District-Wide School Safety Plan on the district website. Districts will be required to submit the web address/URL of the District-Wide School Safety Plan as part of the Basic Educational Data System (BEDS) collection beginning in October 2016.

8. Is the requirement now that in lieu of 12 fire drills, we have 12 overall drills (4 lock down, and 8 evacuation)? Does this mean that the fire alarm does not need pulled 8 times?

To comply with Education law §807, each school must conduct 4 lock-down and 8 evacuation drills (12 drills total) each year.² While not required by this statute, it is also recommended that schools review lock-out and shelter-in place procedures.

Annual drills should include practice and use of the alert and warning procedures, including fire alarms when appropriate, as well as communication systems and protocols, staff responsibilities, evacuation and sheltering procedures and other procedures appropriate to the type of drill being performed.

9. What amendments took place July 1, 2016? What action will the Board of Regents take in September 2016? Will these changes be in effect 2016-17 or 2017-18?

The Board of Regents approved emergency changes to Commissioner’s regulation §155.17 in June 2016 to conform to the legislative changes to Education Law §§2801-a and 807, which became effective on July 1, 2016 and are in effect for the 2016-17 school year. It is anticipated that the Board of Regents will adopt these changes permanently at the September 2016 meeting. You can find more information about the legislative changes at: <http://www.regents.nysed.gov/common/regents/files/616p12a3.pdf>.

10. How do I certify that my school district has completed the annual school safety training?

Certification that all staff received training, the name and contact information for the District Chief Emergency Officer, and the web address/URL for the District-Wide Safety Plan will be collected as part of the Basic Educational Data System (BEDS) collection beginning in October 2016. The public school **district** BEDS collection will include the following questions:

- i. *Have all district and school staff received the required annual training on the building-level emergency response plan and school safety (including violence prevention and mental health components)?*

Yes _____
No _____

² For more specific information please see the May 19 memorandum from Assistant Commissioner Renee Rider, became effective on July 1, 2016 (http://www.p12.nysed.gov/sss/documents/NewSafetyLegis_FieldMemoFINAL.pdf).

ii. *Chief Emergency Officer Contact Information:*

Name: _____

E-Mail Address: _____

Telephone Number: _____

iii. *Provide the web address (URL) of the District-Wide Safety Plan below*

11. Are there resources to help develop a "suicide crisis handling" section in my plan?

Education Law §2801-a now requires the district-wide school safety plan to include 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 includes suicide. In addition, the district-wide safety plan should include standards and procedures relating to assistance from external resources and crisis response teams in such a situation, including when they should be utilized. Additional resources are provided in our mental health guidance for educators available here: <http://www.p12.nysed.gov/sss/documents/MentalHealthResourcesforEducators.pdf>.

12. Could you clarify point #8 from the May 19, 2016 memo which indicated that, "The amendments removed the Commissioner's authority to provide a waiver from the requirements of this section for a two-year period for schools that had plans in substantial compliance prior to the effective date of this section?"

Education Law §2801-a previously contained a provision permitting the Commissioner to waive the school safety plan requirements for schools that had a plan in place prior to the original enactment in 2000. That provision was only to be in place for two years. While the provision remained in the statute, it was no longer operational because more than two years have passed since the enactment.

13. Is public comment required on the summary of the Building-Level Emergency Response Plans whenever a change is made requiring approval by our board of education? Does this also mean that there is no longer a requirement to have a public hearing on the plan prior to board approval?

The amendments to the statute clarified who may have access to a Building-Level Emergency Response Plan, and explicitly provide that Building-Level Emergency Response Plans are confidential and should only be shared with members of the Building-Level Emergency Response Planning Team, authorized Department or school staff, and law enforcement. As a result, school districts are no longer required to provide a summary of the Building-Level Emergency Response Plan to the public.

14. Is "Chief Emergency Officer" in addition to a District Safety Officer and must the School Board appoint that person?

The Chief Emergency Officer, now required by Education Law §2801-a, is defined by both the statute and the implementing regulation, §155.17(a) as either the superintendent or the superintendent's designee. Furthermore, pursuant to the Education Law §2801-a, and the implementing regulations, the appointment of the Chief Emergency Officer is a required component of the District-Wide School Safety Plan. As such, it is a local decision whether this role will be filled by the superintendent or his/her designee. Likewise, it is a local decision whether to delegate the responsibility to an existing staff person or to add an additional staff position to meet the requirement.

Additionally, pursuant to Education Law §2801-a the board of education is responsible for ensuring the elements of District-Wide School Safety Plan and Building-Level Emergency Response Plans are implemented, which now includes the designation of a Chief Emergency Officer. Education Law §2801-a and the implementing regulations, require the Chief Emergency Officer to coordinate appropriate safety, security, and emergency training for district and school staff, annually update all Building-Level Emergency Response Plans, assist with decisions related to security related technology and development of policies for the use of such technology, and to ensure that required evacuation and lock-down drills are conducted in accordance with the requirements of Education Law §807.

15. Will the Department make available training materials regarding the required annual School Violence Prevention and Mental Health training?

A list of the required components of school violence prevention training is available on our website at:

<http://www.p12.nysed.gov/sss/documents/SVPIRequiredComponents.pdf>.

Additional resources are provided in our mental health guidance for educators available here:

<http://www.p12.nysed.gov/sss/documents/MentalHealthResourcesforEducators.pdf>.

16. May we offer school violence prevention and mental health training to staff as an online course?

The manner and method of providing the training is a decision to be made at the local level, based on the unique needs of each school district.