

Quick Guide to Emergency Response Planning Requirements in Education Law §§ 807 and 2801-a, and Commissioner's Regulation 155.17

District-wide school safety plans and building-level emergency response plans are 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.

Education Law §2801-a and Commissioner's Regulation §155.17 require schools and districts to create a number of different safety teams, including:

- **District-wide school safety team:** one per district, is responsible for developing the District-wide school safety plan;
- **Building-level emergency response team:** one for each building within a district, the “planning team,” is responsible for:
 - developing the building-level emergency response plan,
 - appointing the Emergency Response Team,
 - appointing the Post Incident Response Team,
 - appointing any other Incident Response Team(s) deemed necessary;
- **Emergency response team:** one for each building within a district, appointed by the building-level emergency response team, members have specific roles or responsibilities during an incident or emergency;
- **Post-incident response team:** one for each building within a district, appointed by the building-level emergency response team, has responsibility for helping the school community with the aftermath of a violent incident or emergency.

<u>District-Wide School Safety Plan</u>	<u>Building-Level Emergency Response Plan</u>
<p>The <u>district-wide school safety team</u> shall be appointed by the board of education or chancellor in NYC and shall include, but not be limited to representatives of:</p> <ul style="list-style-type: none">• School board• Teacher organizations• Administrator organizations• Parent organizations• School safety personnel• Student*• Other school personnel <p><i>*a student may be allowed to participate on the district-wide safety team, provided however, that no portion of a confidential building-level emergency response plan be shared with such student nor shall such student be present where details of a confidential building-level emergency plan or confidential portions of a district-wide safety plan be discussed.</i></p>	<p>The <u>building-level emergency response team</u> appointed by the building principal, in accordance with guidelines prescribed by the board of education or chancellor in NYC and includes, but not limited to representatives of:</p> <ul style="list-style-type: none">• Teacher organizations• Administrator organizations• Parent organizations• School safety personnel• Other school personnel• Community members• Local law enforcement officials• Fire Officials• Other emergency response agencies• Other representatives the board of education or chancellor in NYC deems appropriate.
<p>The district-wide school safety team develops the <u>district-wide school safety plan</u>.</p>	<p>The building-level emergency response team develops the <u>building-level emergency response plan</u> and designates the <u>emergency response team</u> and the <u>post-incident response team</u>.</p>

The plan must be reviewed by the district-wide safety team at least annually and updated as necessary, and adopted by the school board by September 1 annually. Prior to adoption, the district must hold at least one public hearing that provides for school personnel, student, and public participation, and must be made available for public comment at least 30-days.

Within 30 days from adoption, each district must post their district-wide safety plan on their district website. The URL must be submitted to the Education Department via the annual Basic Educational Data System (BEDS) collection each October to comply with the requirement that the plan be submitted to the Commissioner within 30 days from adoption.

The plan must be reviewed by the building-level emergency response team at least annually and updated as necessary, and must be adopted by the school board by September 1 annually. The plan must be kept **CONFIDENTIAL** and is not subject to disclosure under Article 6 of the Public Officers Law or any other provision of law.

It may only be disclosed to authorized department or school staff, and law enforcement officials. Note that Public Officers Law, Article 7, Section 105(a) (Open Meetings Law) provides that matters which will imperil the public safety if disclosed are allowed to be approved through Executive Session. Given that revealing the contents of building level safety plans could imperil the safety of staff and students, a board of education may be able to adopt these plans in Executive Session in order to maintain their confidentiality and meet the requirements of the new law.

A copy of the plan must be filed with the State Police and local law enforcement within 30 days of adoption, but no later than October 15 each year. Beginning in the 2017-18 school year, plans must be entered in the Safe Schools application on the State Education Department Business Portal.

The District-Wide School Safety Plan must include at a minimum:

Policies and procedures for responding to:

- implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves, which includes suicide;
- acts of violence by students, teachers, other school personnel, and school visitors, including consideration of zero-tolerance policies for school violence;
- bomb threats, hostage-takings, intrusions, and kidnappings.

Policies and procedures for contacting:

- law enforcement in the event of a violent incident;
- 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 purposes shall include suicide;
- parents, guardians or persons in parental relation to an individual student in the event of a violent incident or early dismissal.

Appropriate prevention and intervention strategies to improve communication between students and staff such as:

- collaborative agreements with state and local law enforcement officials designed to ensure school safety officers are adequately trained and fairly recruited;
- establishing an anonymous reporting mechanism for school violence;
- nonviolent conflict resolution training programs;
- peer mediation programs, youth courts and mentor programs;
- extended day and other school safety programs;
- establishing an anonymous reporting mechanism for school violence
- the development and implementation of a Code of Conduct and requirements of Dignity for All Students Act (DASA).

A description of the arrangements and/or procedures during emergencies for:

- emergency responder access to locked buildings and grounds during emergencies;
- obtaining assistance from emergency services organizations and local government agencies;
- obtaining advice and assistance from local government officials including county or city officials responsible for implementing Article 2-B of the Executive Law;
- identifying district resources that may be available for use during an emergency;
- coordinating the use of district resources and manpower during emergencies, including identification of the official authorized to make decisions and the staff members assigned to provide assistance during emergencies;
- a system for informing all educational agencies within the district of a disaster.

Policies and procedures for annual school safety training for students and staff:

- the district must certify (via BEDS in October each year) to the commissioner that all staff received (by September 15 each school year) annual training on the emergency response plan, and that the school safety training include violence prevention and components on mental health;
- new employees hired after the start of the school year shall receive training within 30 days of hire or as part of a district's existing new hire training program, whichever is sooner.

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, school personnel, persons in parental relation to students, students, and others deemed appropriate to receive such information.

Procedures for the review and 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.

Policies and procedures relating to school building security, including the use of school building security, school safety officers, and/or security devices.

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.

Designation of the district chief emergency officer.

The **Building-Level Emergency Response Plan** must include the following elements:

Policies and procedures for response to emergency situations, such as those requiring evacuation, sheltering, and lock down. These policies shall include, at a minimum evacuation routes, shelter sites, and procedures for addressing medical needs, transportation and emergency notification of parents and guardians, and emergency responder access to locked buildings and grounds during emergencies.

Beginning with the 2017-18 school year, the plan must be submitted via the State Education Department Application Portal. The application allows for submission of the functional annex, hazard specific annex and appendix information previously outlined in the 2015 New York State Guide to School Emergency Response Planning. In addition to required functional annexes indicated by a red asterisk, the portal allows for submission of additional annexes recommended in the 2013 Federal Guide to Developing High Quality Emergency Operations Plans for Schools. Each school Building-Level Emergency Response Team should develop procedures for the annexes to meet the needs of their specific school situation.

Designation of an emergency response team, and a post-incident response team and other appropriate incident response teams:

Emergency Response Team:

- School personnel
- Local law enforcement officials
- Representatives from local, regional, and State emergency response agencies
- Other appropriate incident response persons

Post-Incident Response Team

- Appropriate school personnel
- Medical personnel
- Mental health counselors
- Others who can assist the school community in coping with the aftermath of a violent incident

Floor plans, blueprints, schematics, and other maps of the school's interior, grounds, and road maps of the immediate surrounding area.

Establishment of internal and external communications systems in an emergency.

Definition of the chain of command in a manner consistent with the incident command system (ICS).

Policies and procedures for securing and restricting access to the crime scene in order to preserve evidence on school property.

Coordination of the emergency response plan with the statewide plan for disaster mental health services.

Procedures for review and the conduct of drills and exercises to test components of the emergency response plan, including for the regular school year, regular school day:

- eight evacuation drills and four lock-down drills each year, eight of the required drills must be completed by December 31 each school year.
- four of the required drills must be through use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress.
- Conducting drills at different times of the school day.
- Pupils shall be instructed in the procedure to be followed in the event that a fire occurs during the lunch period or assembly;
- at least one early dismissal drill each school year that is no more than 15 minutes before the normal dismissal time, including
 - notifying parents and guardians at least one week prior to the drill; and
 - testing the usefulness of the communications and transportation system during emergencies.

Additional drill requirements for residential schools, summer school, after school programs, events or performances:

- four additional drills must be held in each school year during the hours after sunset and before sunrise in school buildings in which students are provided with sleeping accommodations.
- at least two additional drills must be held during summer school in buildings where summer school is conducted, one must be held during the first week of summer school.
- for after-school programs, events or performances conducted within a school building and include persons who do not regularly attend classes in the building, the principal or other person in charge of the building must require the teacher or person in charge of the after-school program, event or performance notify attendees of the procedures to be followed in an emergency.

A copy of the plan must be filed with the State Police and local law enforcement within 30 days of adoption, but no later than October 15 each year.