



## THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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### **IMPLEMENTATION OF NYSAFE ACT**

The NYSAFE Act (New York Secure Ammunition and Firearms Enforcement Act) contained in New York State Education Law 3602.6-c includes provisions for increasing the safety and security of student occupied school facilities, and provides a 10% funding incentive to accomplish the work. The funding incentive is available for expenses incurred from the 2012-13 through the 2014-15 school years. The law includes two types of security enhancements: electronic security systems, and door hardening. Please use this guidance in conjunction with guidance published by the Office of State Aid available at: [https://stateaid.nysed.gov/build/html\\_docs/nysafe\\_3602.6-c.htm](https://stateaid.nysed.gov/build/html_docs/nysafe_3602.6-c.htm)

For purposes of this section, appropriate electronic security systems will be limited to main entrance doors at each facility, and door hardening will be considered separately for exterior and interior doors. Districts should be operationally limiting access to their facilities to a few main entrances that are monitored with all other doors closed and locked to prevent access. All visitors are then required to use specific doors.

Electronic security systems related to facility components other than main entrances, and more comprehensive door renovation projects are still appropriate capital improvement projects undertaken by schools but must be conducted as routine capital projects subject to the code review and building permit process contained in Commissioner's regulations, with building aid paid through NYSEL section 3602(6)(e). These systems may include building or district wide burglar alarm systems, employee access control systems, surveillance systems, etc.

- 1) Acceptable NYSAFE Act scopes of work subject to 3602.6-c. These projects will be reimbursed through a simplified claim form process (SAMS Claim Form FB Schedule N) coordinated between the Office of Facilities Planning, and State Aid, and will be reimbursed at the current year aid ratio plus a 10% NYSAFE Act incentive.

#### A) Acceptable electronic security systems:

- Access control systems limited to main entrances. These may include an intercom to speak with visitors, remote electronic door unlatching systems, cameras, interface with the building management system and central lockdown buttons, etc.

#### B) Acceptable door hardening items:

- Door replacement
- Door Hardware replacement
- Door frame replacement
- Sidelight removal
- Sidelight frame replacement
- Change size of door or window vision panels to limit opening size
- Change door or sidelight glass materials
- Bars, Grills or other protective measures over existing glass to prevent access
- Glass films including security films or tinted films

2) The following security projects will be reimbursed through the normal capital project process. These items are not appropriate under Paragraph 3602.6-c but could be included in a routine capital construction project approved by the voters and subject to the current policy, rules and regulations of the Commissioner and the Office of Facilities Planning including the issuance of a building permit. Building aid may be applicable in accordance with New York State Education Law section 3602(6)(e).

- Construction of a vestibule.
- Replacement or installation of additional corridor doors.
- Installation of additional magnetic door releases used to compartmentalize facilities.
- District wide or building wide security, motion detection or surveillance systems including access control systems for employees.
- New public address or telephone communication systems.
- New building control systems necessary to incorporate electronic security systems, fire alarm systems with integral panic lockdown magnetic door releases, or intruder notifications.

3) The following systems are not eligible for aid.

- The installation of bullet resistive glass in perimeter windows other than entrances.
- Student and staff security badge systems are considered an operational expense not eligible for building aid.
- Systems to scan visitor ID (such as driver's licenses) and compare those results with law enforcement databases are considered an operational expense.

**Maximum Cost Allowances:** The law requires the department to identify a Maximum Cost Allowance (MCA) for the systems to be installed under the NYSAFE Act. Accordingly, Facilities staff has researched various products and materials in order to arrive at the following:

**Electronic Security Systems:** Electronic security systems will be limited to a Maximum Cost Allowance of \$10,000 per main entrance. For example if an elementary school has a main entrance for students arriving via bus, one for students arriving via car, and one for staff, the district would be eligible for a \$30,000 Cost allowance for electronic security systems. Similarly for a high school, a main entrance for buses, staff, parent drop off, and student drivers would result in 4 entrances and a \$40,000 cost allowance. Based on current best practices for school operations, districts should not have all doors open. Accordingly, SED does not expect that claims will be made for excessive exterior door electronic security systems.

**Door Hardening - Exterior doors:** A cost allowance of \$5,000 will be available for a single door. Double doors will be the equivalent of 2 single doors or \$10,000. This will be the total cost allowance for all work at that door which could include doors, frames, hardware, etc, or simply hardware and security film as the district desires. For example, a main building exterior entrance with 4 sets of double doors and a single door would receive a cost allowance of \$45,000.

**Door Hardening - Interior Doors:** A cost allowance of \$1000 will be available for a single door. This will allow classroom function locks, changing of vision materials or the addition of security film if desired. Projects that propose to change all interior doors including hardware, etc should be completed as a routine capital project. Double doors such as corridor doors will be eligible for a \$2,000 MCA.

**Approval Process:** As noted above these projects will not be typical capital projects reviewed and approved by the Office of Facilities Planning. These projects will be reimbursed through a simplified claim form process (SAMS Claim Form FB Schedule N)

**Important Note:** Facilities planning must be confident that all NYSAFE Act work is completed in accordance with the code. All safe projects have potential code implications and must be reviewed and approved by a NYS Registered Architect or Licensed Engineer. Districts must work with their consultants to design and implement SAFE projects in a code compliant manner. The SAMS Claim form FB Schedule N will contain a Superintendent's certification that the work has been reviewed and approved by a NYS licensed professional Architect or Engineer. Failure to provide the name and license number of the certified Architect or Engineer will result in the claim for aid being denied.

As always the district must have funds properly authorized regardless of the funding mechanism. There is no provision in the NYSAFE Act to circumvent proper voter authorization. District will review work with their consulting architects and engineers, and any questions will be resolved with the Office of Facilities Planning.

We will spot check applications submitted to State Aid through the claim form process to ensure compliance.

All specific purchase/code compliance/construction questions, and questions on eligibility of specific equipment, may be directed to the Office of Facilities Planning (518-474-3906). All other questions regarding the new provisions in the NYSAFE Act may be directed to the State Aid Office (518-474-2977).