SUMMARY OF LEGISLATIVE CHANGES
From field letter issued by Renée L. Rider, Assistant Commissioner on May 19, 2016

Amendments to Education Law § 2801-a:
School Safety Plans

1. In addition to the existing notification requirements in the event of a violent incident, the statute now requires that each district develop policies and procedures for contacting parents, guardians, or persons in a parental relation to a student in the event of an implied or direct threat of violence by a student against themselves, including threat of suicide.

2. The statute includes a new requirement that each district submit certification to NYSED that all district and school staff have undergone annual training on the emergency response plan, and that the school safety training include components on violence prevention and mental health. New employees hired after the start of the school year must receive training within 30 days of hire. The Department will require schools to certify that all school staff received this training by September 15th of each school year, or within 30 days of hire, whichever is sooner.

3. The amendments require district-wide safety plans to include the designation of a chief emergency officer who is responsible for coordinating communication between staff and law enforcement and first responders and for ensuring staff understanding of the district-level safety plan. The chief emergency officer shall also be responsible for ensuring completion and yearly update of building-level emergency response plans. The building-level emergency response plan shall be kept confidential and shall not be disclosed except to authorized department staff and law enforcement officers.

4. The amendments require that building-level emergency response plans include policies and procedures for response to emergency situations such as those requiring evacuation, sheltering and lockdown (evacuation routes, shelter sites, procedures for addressing medical needs, transportation and emergency notification of parents and guardians). The building-level emergency response team is now expanded to include fire officials, and at the discretion of the board, a student may be permitted to participate in the school safety team, but may not have access to confidential building-level emergency response plans or be present where confidential building-level emergency response plans are being discussed.
5. The statute eliminated the provision allowing single building districts to create a building-level emergency response plan that contains all aspects of the district plan. However, the statute now authorizes the Commissioner, in consultation with the Superintendent of State Police, to develop an appeals process from duplicative requirements of district-wide school safety plans for districts with only one school building.

6. The amendments require the district-wide safety plans to be made available for public comment. However, to comply with the confidentiality provisions of this section, public comment is no longer required for the summary of the building-level emergency response plan.

7. Additional technical amendments were made to the statute to eliminate certain expired provisions relating to Project SAVE Legislation, making the language throughout more consistent and easier to understand.

8. Certification that staff has received training as indicated in #2 will be collected as part of the Basic Educational Data System (BEDS) collection beginning in October 2016.

9. Chief Information Officer will be collected as part of BEDS beginning in October 2016.

10. 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.

Amendments to Education Law § 807(1-a), (b):

Fire and Emergency Drills

1. The amendments expanded fire drill requirements to also include emergency drills to prepare students to be able to respond appropriately in the event of a sudden emergency.

2. The statute now requires twelve drills be conducted each school year, four of which must be lock-down drills, the remaining eight are required to be evacuation drills.

3. There is still a requirement that eight of the required twelve drills must be completed in the first half of the school year. However, the date of completion has been changed from December 1 to December 31 of each school year.
EMERGENCY PLANNING

We are anticipating guidance from NYSED that will mandate the NYS Building Emergency Response Plan Template format for school emergency plans in either the 2016-2017 or 2017-2018 school years. In addition, the submittal date is expected to move from July 1 to October 1. This document is in compliance with guidelines put forth by the federal government, and as such is expected to be adopted—the only variable is when. It is our belief that the sooner districts adopt the template, the easier it will be for them when the mandate is put in place. We are currently waiting for the Commissioner’s Regulations, which will clarify some of the legislation. We will forward the updates to you as soon as we have them.

With this in mind, we would like to assist your district in adopting the new format. We have developed a check list to assist you in determining where your district is in this process. Please contact our department at csneyd@pnwboces.org or 914-248-3854 for further information.

WHAT ARE WE PLANNING FOR?

Carol Sneyd, Regional Safety Technician

There are many sources of information in our current society. Statistics are skewed to fit each agenda, and it is difficult to weed out what is real and what is exaggerated. What is the real threat to our schools? Is there an active shooter or terrorist around every tree, or are we more likely to have a major weather event? Is it all a waste of time addressing what amounts to political hype? Where should we focus our attention?

I attended a FEMA Crisis Management class recently and the instructor told us something that puts it in perspective for me— if we plan for an active shooter and all of the aftermath from one, we will be able to address any emergency situation. Our plans give us a framework to be prepared for anything, not using detailed checklists or step by step instructions but with general concepts and procedures that will work for a variety of situations.

Plan for the worst, hope for the best.