

SCHOOL LAW

INFORMATION MEMO

AUGUST 30, 2024

Amendments to School Safety Plan

The New York Board of Regents has adopted amendments to Section 155.17 of the Commissioner's Regulations regarding school safety plans. These amendments became effective on July 31, 2024. Below is a summary of the key changes to District-Wide School Safety Plans (District-Wide Plans) and Building-Level Emergency Response Plans (Building-Level Plans) that are now in effect for public schools, BOCES and charter schools.

The following changes apply to District-Wide Plans:

1. The required members for the District-Wide School Safety team must now include bus drivers and monitors.
2. The prevention and intervention strategies contained within a District-Wide Plan may now include, where applicable, the establishment and/or participation of school or district staff in a multi-disciplinary behavioral assessment team to assess whether certain exhibited behaviors or actions need intervention or other support, including a school or district-level behavioral assessment team or, if available, a county or regional threat assessment team. Where these teams are utilized, the District-Wide Plan must describe the school, district or county team and its purpose, and annual staff training on safety and emergency procedures must include information regarding the purpose and procedures of the team.
3. The procedures for the review and conduct of drills within District-Wide Plans must be expanded to include "procedures for review and the conduct of drills tabletop exercises, and information about emergency procedures and drills, including information about procedures and timeframes for notification of parents or persons in parental relation regarding drills and other emergency response training(s) that include students." These procedures must now ensure that:
 - a. Drills conducted during the school day with students present are conducted in a trauma-informed, developmentally and age-appropriate manner that do not include props, actors, simulations or other tactics intended to mimic a school shooting or other act of violence or emergency.
 - b. At the time that drills are conducted, students and staff are informed that the activities being conducted are a drill. Provided, however, that students and staff must not be informed in advance of evacuation drills.
 - c. Tabletop exercises may be utilized by school and district safety teams as a training resource and may include a discussion-based activity for staff in an informal classroom or meeting-type setting to discuss their roles during an emergency and their responses to a sample emergency situation.
 - d. Schools and districts may opt to participate in full-scale exercises in conjunction with local and county

emergency responders and preparedness officials. If those exercises include props, actors, simulations or other tactics intended to mimic a school shooting or other act of violence or emergency, they cannot occur during a school day or when school activities are occurring on school grounds and they may not include students without prior written permission from the students' parent or person in parental relation.

4. The responsibilities of the District Chief Emergency Officer must now include the following: to ensure that the required evacuation and lock-down drills are conducted in a trauma-informed, developmentally and age-appropriate manner and do not include props, actors, simulations or other tactics intended to mimic a school shooting or other act of violence or emergency.

The following changes apply to Building-level Plans:

1. "Building-level emergency response team" is now called the "Building-level emergency response planning team."
2. The required members for the building-level emergency response team must now include bus drivers and monitors.
3. The post-incident response team, which is a building-specific team designated by the building-level emergency response planning team, must now include school health professionals.
4. Floor plans, blueprints, schematic and other maps of the school interior, school grounds and road maps of the immediate surrounding area must be clearly labeled and readily understandable to first responders navigating the building and grounds and must now conform with the following new requirements:
 - a. floor plans must include the school name and address; a key to define any symbols used; a compass indicating North as well as labels indicating building entrances/exits with alphabetic or numeric identifiers assigned (e.g. "Door A" or "Entrance 2"); windows, interior doors, room numbers, common areas and administrative offices labeled by use; location of water, gas and electrical shutoffs; location of fire alarm panels, fire sprinkler control valves, and if applicable fire department key boxes; and location of emergency and security equipment; and
 - b. area maps must include the school name and address; a key to define any symbols used; a compass indicating North as well as labeled buildings, outbuildings, fields, parking lots, building entrances/exits with alphabetic or numeric identifiers assigned (e.g. "Door A" or "Entrance 2"); parking area and property entrances/exits; designated fire lanes and fire apparatus access roads, evacuation routes; street names; and emergency response areas.
5. The regulations still require procedures for an annual review of the building-level emergency response plan and the conduct of drills and other exercises to test components of the building-level emergency response plan, including the use of tabletop exercises, in coordination with local, county, and state law enforcement and emergency responders and preparedness officials. The regulations now provide that at the time a drill is conducted, students and staff must be informed that it is a drill (except for evacuation drills).
6. The regulations contain the following new requirements for drills:

- a. drills must be conducted in a trauma-informed, developmentally and age-appropriate manner and cannot include props, actors, simulations or other tactics intended to mimic a school shooting, incident of violence or other emergency;
- b. drills must occur after annual training in emergency procedures have been provided to students and staff;
- c. drills must be completed on different dates, days of the week and during different times of the school day; and
- d. parents or persons in parental relation must receive advance notice of each drill being conducted within one week preceding the drill.

The reporting requirements have been amended as follows:

1. Previously, school districts with a supervisory district had the discretion to notify the BOCES district superintendent if the building-level emergency response plan was activated and resulted in the closing of a school building. Now, school districts within a supervisory district must provide timely notification to the BOCES district superintendent of this occurrence, unless the closure is due to a routine snow emergency. School districts continue to be required to notify the Commissioner of Education of these school building closures (except for routine snow emergency days).

Evacuation, Lockdown and Emergency Dismissal Drill requirements are amended as follows:

1. The amendments changed the heading of this section within the regulation from “Fire and Emergency Drills” to “Evacuation, Lockdown and Emergency Dismissal Drills.”
2. The amendments adopt evacuation and lockdown drill requirements of Education Law § 807 and require the following:
 - a. Evacuation drills must be conducted with students at least eight times in each school year, six of which must be held between September 1 and December 31 of each such year. Four drills must be through the use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress, such as through different corridors, hallways, stairways and exit doors.
 - b. Drills must be conducted at different times of the school day.
 - c. Students must be instructed in the procedure to be followed if a fire occurs during the lunch period or assembly, provided, however, that such additional instruction may be waived where a drill is held during the regular school lunch period or assembly.
 - d. 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, and one such drill must be held during the first week of summer school.
 - e. Lockdown drills must be conducted with students at least four times in each school year, two of which

must be held between September 1 and December 31 of each such year. Lockdown drills must be conducted at different times of the school day.

f. One emergency dismissal drill must be conducted to test emergency response procedures that require early dismissal, at a time not to occur more than 15 minutes earlier than the normal dismissal time. Parents or persons in parental relation must be notified at least one week prior to the emergency dismissal drill.

The following terminology for District-Wide and Building-level Plans have been amended or added to the regulations:

1. The definition for “serious violent incident” has been amended to replace “evacuation of” with “immediate response by.” The definition for “serious violent incident” is now: “an incident of violent criminal conduct that is or appears to be, life-threatening and warrants the *immediate response by* students and/or staff because of an imminent threat to their safety or health, including, but not limited to riot, hostage-taking kidnapping and/or the use or threatened use of a firearm, explosive, bomb, incendiary device, chemical or biological weapon, knife or other dangerous instrument capable of causing death or serious injury.

2. The new terms below have the following definitions:

a. “Trauma” means an emotional response to a deeply distressing or disturbing experience such as, but not limited to, an act of violence, natural disaster, abuse, neglect or loss.

b. “Trauma-informed” means an understanding of trauma and how it affects the physical, emotional and mental health of students and adults.

c. “Trauma-informed drills” means avoiding tactics in training or drills that may introduce or activate trauma, such as the use of props, actors, simulations or other tactics intended to mimic a school shooting, incident of violence or other emergency, or inclusion of developmentally or age-inappropriate content. Drills may inadvertently prompt a negative emotional or psychological response in staff or students because of previous exposure(s) to trauma.

We recommend that all public schools, BOCES and charter schools revise their District-Wide and Building-level Plans to align with the new regulations. Additional information is available [here](#). For further assistance, please contact [Lauren Schnitzer](#), any attorney in Bond’s [school law practice](#) or the Bond attorney with whom you are regularly in contact.

