

STATE OF NEW YORK

1933

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to mandating university and building level educational institution safety plans for possible acts of violence occurring at educational institutions within the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 214-a
2 to read as follows:

3 § 214-a. University and educational institution safety plans. 1. The
4 board of regents, along with the chancellor and the president or princi-
5 pal of every educational institution of the state university shall adopt
6 and amend a comprehensive state-wide university safety plan and build-
7 ing-level educational institution safety plans regarding crisis inter-
8 vention, emergency response and management. Such plans shall be devel-
9 oped by a state-wide university safety team and a building-level
10 educational institution safety team established pursuant to subdivision
11 four of this section and shall be in a form developed by the regents in
12 consultation with the division of criminal justice services, the super-
13 intendent of the state police and any other appropriate state agencies.

14 2. Such comprehensive state-wide university safety plan shall be
15 developed by the state-wide university safety team and shall include at
16 a minimum:

17 a. policies and procedures for responding to implied or direct threats
18 of violence by students, teachers, other university personnel as well as
19 visitors to the educational institution;

20 b. policies and procedures for responding to acts of violence by
21 students, teachers, other university personnel as well as visitors to
22 the educational institution, including consideration of zero-tolerance
23 policies for violence;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 c. appropriate prevention and intervention strategies such as:
2 (i) collaborative arrangements with state and local law enforcement
3 officials, designed to ensure that university safety officers and other
4 security personnel are adequately trained, including being trained to
5 de-escalate potentially violent situations, and are effectively and
6 fairly recruited;
7 (ii) non-violent conflict resolution training programs; and
8 (iii) peer mediation programs;
9 d. policies and procedures for contacting appropriate law enforcement
10 officials in the event of a violent incident;
11 e. policies and procedures for contacting persons designated as emer-
12 gency contacts to the students of the educational institution in the
13 event of a violent incident;
14 f. policies and procedures relating to university building security,
15 including where appropriate the use of university safety officers and/or
16 security devices or procedures;
17 g. policies and procedures for the dissemination of informative mate-
18 rials regarding the early detection of potentially violent behaviors to
19 teachers, administrators, university personnel, students and other
20 persons deemed appropriate to receive such information;
21 h. policies and procedures for annual safety training for staff and
22 students;
23 i. protocols for responding to bomb threats, hostage-takings, intru-
24 sions and kidnappings;
25 j. strategies for improving communication among students and between
26 students and staff and reporting of potentially violent incidents and
27 establishing anonymous reporting mechanisms for violence; and
28 k. a description of the duties of university safety personnel, the
29 training required of all personnel acting in a university security
30 capacity, and the hiring and screening process for all personnel acting
31 in a university security capacity.
32 3. A building-level educational institution's safety plan, developed
33 by the building-level educational institution's safety team defined in
34 subdivision four of this section, shall include the following elements:
35 a. policies and procedures for the safe evacuation of students, teach-
36 ers, other university personnel as well as visitors to the educational
37 institution in the event of a serious violent incident or other emergen-
38 cy, which shall include evacuation routes and shelter sites and proce-
39 dures for addressing medical needs, transportation and emergency notifi-
40 cation to persons designated as an emergency contact for a student. For
41 purposes of this subdivision, "serious violent incident" means an inci-
42 dent of violent criminal conduct that is, or appears to be, life threat-
43 ening and warrants the evacuation of students and/or staff, as defined
44 in regulations of the commissioner developed in conjunction with the
45 division of criminal justice services;
46 b. designation of an emergency response team comprised of the educa-
47 tional institution's personnel, local law enforcement officials, and
48 representatives from local regional and/or state emergency response
49 agencies, other appropriate incident response teams, and a post-incident
50 response team that includes appropriate university personnel, medical
51 personnel, mental health counselors and others who can assist the educa-
52 tional institution's community in coping with the aftermath of a violent
53 incident;
54 c. procedures for assuring that crisis response and law enforcement
55 officials have access to floor plans, blueprints, schematics or other

1 maps of the educational institution's interior, grounds and road maps of
2 the immediate surrounding area;

3 d. establishment of internal and external communication systems in
4 emergencies including but not limited to public address systems for
5 classrooms and dorms;

6 e. definition of the chain of command in a manner consistent with the
7 national interagency incident management system/incident command system;

8 f. coordination of the educational institution's safety plan with the
9 state-wide plan for disaster mental health services to assure that the
10 educational institution has access to federal, state and local mental
11 health resources in the event of a violent incident;

12 g. procedures for review and the conduct of drills and other exercises
13 to test components of the emergency response plan; and

14 h. policies and procedures for securing and restricting access to the
15 crime scene in order to preserve evidence in cases of violent crimes on
16 university property.

17 4. The state-wide university safety team shall be appointed by the
18 board of regents and shall include but not be limited to trustees,
19 student, teacher and administrator organizations, university safety
20 personnel, and other university personnel. Each building-level safety
21 team shall be appointed by the educational institution's president or
22 principal, in accordance with regulations or guidelines prescribed by
23 the board of regents and the chancellor. Such building-level teams
24 shall include but not be limited to representatives of teacher and
25 administrator organizations, university safety personnel and other
26 university personnel, community members, local law enforcement offi-
27 cials, local ambulance or other emergency response agencies, and any
28 other representatives the board of regents and the chancellor deem
29 appropriate.

30 5. Each safety plan shall be reviewed by the appropriate educational
31 institution's safety team on at least an annual basis, and updated as
32 needed.

33 6. The board of regents and the chancellor shall make the state-wide
34 university and each building-level educational institution's safety plan
35 available for public comment at least thirty days prior to its adoption,
36 provided that only a summary of each building-level emergency response
37 plan shall be made available for public comment. Such state-wide univer-
38 sity plan and building-level plans may be adopted by the board of
39 regents only after at least one public hearing that provides for the
40 participation of the educational institution's personnel, students and
41 any other interested parties. The board of regents shall file a copy of
42 its state-wide comprehensive safety plan with the commissioner and all
43 amendments to such plan shall be filed with the commissioner no later
44 than thirty days after their adoption. A copy of each building-level
45 safety plan and any amendments thereto, shall be filed with the appro-
46 priate local law enforcement agency and with the state police within
47 thirty days of its adoption. Building-level emergency response plans
48 shall be confidential and shall not be subject to disclosure under arti-
49 cle six of the public officers law or any other provision of law. If the
50 board of regents, chancellor or other governing body fails to file such
51 plan as required by this section, the commissioner may, in an amount
52 determined by the commissioner, withhold public money from the universi-
53 ty or educational institution until they are in compliance.

54 7. The commissioner may grant a waiver of the requirements of this
55 section to any educational institution for a period of up to two years
56 from the date of enactment upon a finding by the commissioner that such

1 educational institution had adopted a comprehensive educational institu-
2 tion safety plan on the effective date of this section which is in
3 substantial compliance with the requirements of this section.

4 8. For purposes of this section, educational institutions shall
5 include all secondary and higher institutions of the university which
6 are now or may be incorporated in this state and all other higher educa-
7 tional institutions that receive funds from the state.

8 9. The commissioner shall annually report to the governor and the
9 legislature on the implementation and compliance with the provisions of
10 this section.

11 § 2. This act shall take effect September 1, 2017; provided that the
12 university and the educational institutions shall be in full compliance
13 with the provisions of this act by March 1, 2018. Effective immediately,
14 the addition, amendment and/or repeal of any rule or regulation neces-
15 sary for implementation of this act on its effective date are authorized
16 and directed to be made and completed on or before such effective date.