S T A T E  O F  N E W  Y O R K

1222--A

2009-2010 Regular Sessions

I N  S E N A T E

January 28, 2009

Introduced by Sens. THOMPSON, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

S 214-A. UNIVERSITY AND EDUCATIONAL INSTITUTION SAFETY PLANS. 1. THE BOARD OF REGENTS, ALONG WITH THE CHANCELLOR AND THE PRESIDENT OR PRINCIPAL OF EVERY EDUCATIONAL INSTITUTION OF THE STATE UNIVERSITY SHALL ADOPT AND AMEND A COMPREHENSIVE STATE-WIDE UNIVERSITY SAFETY PLAN AND BUILDING-LEVEL EDUCATIONAL INSTITUTION SAFETY PLANS REGARDING CRISIS INTERVENTION, EMERGENCY RESPONSE AND MANAGEMENT. SUCH PLANS SHALL BE DEVELOPED BY A STATE-WIDE UNIVERSITY SAFETY TEAM AND A BUILDING-LEVEL EDUCATIONAL INSTITUTION SAFETY TEAM ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION AND SHALL BE IN A FORM DEVELOPED BY THE REGENTS IN CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, THE SUPERINTENDENT OF THE STATE POLICE AND ANY OTHER APPROPRIATE STATE AGENCIES.

2. SUCH COMPREHENSIVE STATE-WIDE UNIVERSITY SAFETY PLAN SHALL BE DEVELOPED BY THE STATE-WIDE UNIVERSITY SAFETY TEAM AND SHALL INCLUDE AT A MINIMUM:

A. POLICIES AND PROCEDURES FOR RESPONDING TO IMPLIED OR DIRECT THREATS OF VIOLENCE BY STUDENTS, TEACHERS, OTHER UNIVERSITY PERSONNEL AS WELL AS VISITORS TO THE EDUCATIONAL INSTITUTION;

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

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B. POLICIES AND PROCEDURES FOR RESPONDING TO ACTS OF VIOLENCE BY STUDENTS, TEACHERS, OTHER UNIVERSITY PERSONNEL AS WELL AS VISITORS TO THE EDUCATIONAL INSTITUTION, INCLUDING CONSIDERATION OF ZERO-TOLERANCE POLICIES FOR VIOLENCE;

C. APPROPRIATE PREVENTION AND INTERVENTION STRATEGIES SUCH AS:

(I) COLLABORATIVE ARRANGEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT OFFICIALS, DESIGNED TO ENSURE THAT UNIVERSITY SAFETY OFFICERS AND OTHER SECURITY PERSONNEL ARE ADEQUATELY TRAINED, INCLUDING BEING TRAINED TO DE-ESCALATE POTENTIALLY VIOLENT SITUATIONS, AND ARE EFFECTIVELY AND FAIRLY RECRUITED;

(II) NON-VIOLENT CONFLICT RESOLUTION TRAINING PROGRAMS; AND

(III) PEER MEDIATION PROGRAMS;

D. POLICIES AND PROCEDURES FOR CONTACTING APPROPRIATE LAW ENFORCEMENT OFFICIALS IN THE EVENT OF A VIOLENT INCIDENT;

E. POLICIES AND PROCEDURES FOR CONTACTING PERSONS DESIGNATED AS EMERGENCY CONTACTS TO THE STUDENTS OF THE EDUCATIONAL INSTITUTION IN THE EVENT OF A VIOLENT INCIDENT;

F. POLICIES AND PROCEDURES RELATING TO UNIVERSITY BUILDING SECURITY, INCLUDING WHERE APPROPRIATE THE USE OF UNIVERSITY SAFETY OFFICERS AND/OR SECURITY DEVICES OR PROCEDURES;

G. POLICIES AND PROCEDURES FOR THE DISSEMINATION OF INFORMATIVE MATERIALS REGARDING THE EARLY DETECTION OF POTENTIALLY VIOLENT BEHAVIORS TO TEACHERS, ADMINISTRATORS, UNIVERSITY PERSONNEL, STUDENTS AND OTHER PERSONS DEEMED APPROPRIATE TO RECEIVE SUCH INFORMATION;

H. POLICIES AND PROCEDURES FOR ANNUAL SAFETY TRAINING FOR STAFF AND STUDENTS;

I. PROTOCOLS FOR RESPONDING TO BOMB THREATS, HOSTAGE-TAKINGS, INTRUSIONS AND KIDNAPPINGS;

J. STRATEGIES FOR IMPROVING COMMUNICATION AMONG STUDENTS AND BETWEEN STUDENTS AND STAFF AND REPORTING OF POTENTIALLY VIOLENT INCIDENTS AND ESTABLISHING ANONYMOUS REPORTING MECHANISMS FOR VIOLENCE; AND

K. A DESCRIPTION OF THE DUTIES OF UNIVERSITY SAFETY PERSONNEL, THE TRAINING REQUIRED OF ALL PERSONNEL ACTING IN A UNIVERSITY SECURITY CAPACITY, AND THE HIRING AND SCREENING PROCESS FOR ALL PERSONNEL ACTING IN A UNIVERSITY SECURITY CAPACITY.

3. A BUILDING-LEVEL EDUCATIONAL INSTITUTION'S SAFETY PLAN, DEVELOPED BY THE BUILDING-LEVEL EDUCATIONAL INSTITUTION'S SAFETY TEAM DEFINED IN SUBDIVISION FOUR OF THIS SECTION, SHALL INCLUDE THE FOLLOWING ELEMENTS:

A. POLICIES AND PROCEDURES FOR THE SAFE EVACUATION OF STUDENTS, TEACHERS, OTHER UNIVERSITY PERSONNEL AS WELL AS VISITORS TO THE EDUCATIONAL INSTITUTION IN THE EVENT OF A SERIOUS VIOLENT INCIDENT OR OTHER EMERGENCY, WHICH SHALL INCLUDE EVACUATION ROUTES AND SHELTER SITES AND PROCEDURES FOR ADDRESSING MEDICAL NEEDS, TRANSPORTATION AND EMERGENCY NOTIFICATION TO PERSONS DESIGNATED AS AN EMERGENCY CONTACT FOR A STUDENT. FOR PURPOSES OF THIS SUBDIVISION, "SERIOUS VIOLENT INCIDENT" MEANS AN INCIDENT OF VIOLENT CRIMINAL CONDUCT THAT IS, OR APPEARS TO BE, LIFE THREATENING AND WARRANTS THE EVACUATION OF STUDENTS AND/OR STAFF, AS DEFINED IN REGULATIONS OF THE COMMISSIONER DEVELOPED IN CONJUNCTION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES;

B. DESIGNATION OF AN EMERGENCY RESPONSE TEAM COMPRISED OF THE EDUCATIONAL INSTITUTION'S PERSONNEL, LOCAL LAW ENFORCEMENT OFFICIALS, AND REPRESENTATIVES FROM LOCAL REGIONAL AND/OR STATE EMERGENCY RESPONSE AGENCIES, OTHER APPROPRIATE INCIDENT RESPONSE TEAMS, AND A POST-INCIDENT RESPONSE TEAM THAT INCLUDES APPROPRIATE UNIVERSITY PERSONNEL, MEDICAL PERSONNEL, MENTAL HEALTH COUNSELORS AND OTHERS WHO CAN ASSIST THE EDUCA-

TIONAL INSTITUTION'S COMMUNITY IN COPING WITH THE AFTERMATH OF A VIOLENT INCIDENT;

C. PROCEDURES FOR ASSURING THAT CRISIS RESPONSE AND LAW ENFORCEMENT OFFICIALS HAVE ACCESS TO FLOOR PLANS, BLUEPRINTS, SCHEMATICS OR OTHER MAPS OF THE EDUCATIONAL INSTITUTION'S INTERIOR, GROUNDS AND ROAD MAPS OF THE IMMEDIATE SURROUNDING AREA;

D. ESTABLISHMENT OF INTERNAL AND EXTERNAL COMMUNICATION SYSTEMS IN EMERGENCIES INCLUDING BUT NOT LIMITED TO PUBLIC ADDRESS SYSTEMS FOR CLASSROOMS AND DORMS;

E. DEFINITION OF THE CHAIN OF COMMAND IN A MANNER CONSISTENT WITH THE NATIONAL INTERAGENCY INCIDENT MANAGEMENT SYSTEM/INCIDENT COMMAND SYSTEM;

F. COORDINATION OF THE EDUCATIONAL INSTITUTION'S SAFETY PLAN WITH THE STATE-WIDE PLAN FOR DISASTER MENTAL HEALTH SERVICES TO ASSURE THAT THE EDUCATIONAL INSTITUTION HAS ACCESS TO FEDERAL, STATE AND LOCAL MENTAL HEALTH RESOURCES IN THE EVENT OF A VIOLENT INCIDENT;

G. PROCEDURES FOR REVIEW AND THE CONDUCT OF DRILLS AND OTHER EXERCISES TO TEST COMPONENTS OF THE EMERGENCY RESPONSE PLAN; AND

H. POLICIES AND PROCEDURES FOR SECURING AND RESTRICTING ACCESS TO THE CRIME SCENE IN ORDER TO PRESERVE EVIDENCE IN CASES OF VIOLENT CRIMES ON UNIVERSITY PROPERTY.

4. THE STATE-WIDE UNIVERSITY SAFETY TEAM SHALL BE APPOINTED BY THE BOARD OF REGENTS AND SHALL INCLUDE BUT NOT BE LIMITED TO TRUSTEES, STUDENT, TEACHER AND ADMINISTRATOR ORGANIZATIONS, UNIVERSITY SAFETY PERSONNEL, AND OTHER UNIVERSITY PERSONNEL. EACH BUILDING-LEVEL SAFETY TEAM SHALL BE APPOINTED BY THE EDUCATIONAL INSTITUTION'S PRESIDENT OR PRINCIPAL, IN ACCORDANCE WITH REGULATIONS OR GUIDELINES PRESCRIBED BY THE BOARD OF REGENTS AND THE CHANCELLOR. SUCH BUILDING-LEVEL TEAMS SHALL INCLUDE BUT NOT BE LIMITED TO REPRESENTATIVES OF TEACHER AND ADMINISTRATOR ORGANIZATIONS, UNIVERSITY SAFETY PERSONNEL AND OTHER UNIVERSITY PERSONNEL, COMMUNITY MEMBERS, LOCAL LAW ENFORCEMENT OFFICIALS, LOCAL AMBULANCE OR OTHER EMERGENCY RESPONSE AGENCIES, AND ANY OTHER REPRESENTATIVES THE BOARD OF REGENTS AND THE CHANCELLOR DEEM APPROPRIATE.

5. EACH SAFETY PLAN SHALL BE REVIEWED BY THE APPROPRIATE EDUCATIONAL INSTITUTION'S SAFETY TEAM ON AT LEAST AN ANNUAL BASIS, AND UPDATED AS NEEDED.

6. THE BOARD OF REGENTS AND THE CHANCELLOR SHALL MAKE THE STATE-WIDE UNIVERSITY AND EACH BUILDING-LEVEL EDUCATIONAL INSTITUTION'S SAFETY PLAN AVAILABLE FOR PUBLIC COMMENT AT LEAST THIRTY DAYS PRIOR TO ITS ADOPTION, PROVIDED THAT ONLY A SUMMARY OF EACH BUILDING-LEVEL EMERGENCY RESPONSE PLAN SHALL BE MADE AVAILABLE FOR PUBLIC COMMENT. SUCH STATE-WIDE UNIVERSITY PLAN AND BUILDING-LEVEL PLANS MAY BE ADOPTED BY THE BOARD OF REGENTS ONLY AFTER AT LEAST ONE PUBLIC HEARING THAT PROVIDES FOR THE PARTICIPATION OF THE EDUCATIONAL INSTITUTION'S PERSONNEL, STUDENTS AND ANY OTHER INTERESTED PARTIES. THE BOARD OF REGENTS SHALL FILE A COPY OF ITS STATE-WIDE COMPREHENSIVE SAFETY PLAN WITH THE COMMISSIONER AND ALL AMENDMENTS TO SUCH PLAN SHALL BE FILED WITH THE COMMISSIONER NO LATER THAN THIRTY DAYS AFTER THEIR ADOPTION. A COPY OF EACH BUILDING-LEVEL SAFETY PLAN AND ANY AMENDMENTS THERETO, SHALL BE FILED WITH THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY AND WITH THE STATE POLICE WITHIN THIRTY DAYS OF ITS ADOPTION. BUILDING-LEVEL EMERGENCY RESPONSE PLANS SHALL BE CONFIDENTIAL AND SHALL NOT BE SUBJECT TO DISCLOSURE UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW OR ANY OTHER PROVISION OF LAW. IF THE BOARD OF REGENTS, CHANCELLOR OR OTHER GOVERNING BODY FAILS TO FILE SUCH PLAN AS REQUIRED BY THIS SECTION, THE COMMISSIONER MAY, IN AN AMOUNT

DETERMINED BY THE COMMISSIONER, WITHHOLD PUBLIC MONEY FROM THE UNIVERSITY OR EDUCATIONAL INSTITUTION UNTIL THEY ARE IN COMPLIANCE.

7. THE COMMISSIONER MAY GRANT A WAIVER OF THE REQUIREMENTS OF THIS SECTION TO ANY EDUCATIONAL INSTITUTION FOR A PERIOD OF UP TO TWO YEARS FROM THE DATE OF ENACTMENT UPON A FINDING BY THE COMMISSIONER THAT SUCH EDUCATIONAL INSTITUTION HAD ADOPTED A COMPREHENSIVE EDUCATIONAL INSTITUTION SAFETY PLAN ON THE EFFECTIVE DATE OF THIS SECTION WHICH IS IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

8. FOR PURPOSES OF THIS SECTION, EDUCATIONAL INSTITUTIONS SHALL INCLUDE ALL SECONDARY AND HIGHER INSTITUTIONS OF THE UNIVERSITY WHICH ARE NOW OR MAY BE INCORPORATED IN THIS STATE AND ALL OTHER HIGHER EDUCATIONAL INSTITUTIONS THAT RECEIVE FUNDS FROM THE STATE.

9. THE COMMISSIONER SHALL ANNUALLY REPORT TO THE GOVERNOR AND THE LEGISLATURE ON THE IMPLEMENTATION AND COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect September 1, 2010; provided that the university and the educational institutions shall be in full compliance with the provisions of this act by March 1, 2011. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.