

# STATE OF NEW YORK

10014

## IN ASSEMBLY

March 4, 2020

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

AN ACT to amend the education law, in relation to enacting the "safe schools by design act"; directing the use of certain professional design services for school security and safety improvements

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "safe schools by design act".

3 § 2. Legislative intent. The legislature acknowledges that measures  
4 taken to enhance school safety through investments in facility harden-  
5 ing, violence intervention services, and school resource officers  
6 contribute to a broader strategy to mitigate and prevent violent acts on  
7 school grounds.

8 The legislature further acknowledges that schools are intended to be  
9 communities and should be planned without sacrificing the inherent posi-  
10 tive qualities of school environments we all desire for our children,  
11 and that design solutions can help address social, psychological,  
12 economic, environmental, and safety factors while maintaining a healthy  
13 and productive learning environment.

14 The legislature intends to provide school districts with the flexibil-  
15 ity to adapt to differing and evolving community concerns, support  
16 student health and safety, and create productive learning environments.

17 § 3. The education law is amended by adding a new section 408-c to  
18 read as follows:

19 § 408-c. School safety design and planning. 1. Any project for the  
20 design, planning, construction, reconstruction, rehabilitation, or  
21 improvement of school property, as defined by section twenty-eight  
22 hundred one of this chapter, shall to the best of the school district's  
23 ability, incorporate passive security design features to improve school  
24 safety. For the purposes of this section, "passive security design  
25 features" shall mean a design feature which deters threats while remain-  
26 ing largely undetectable.

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

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1 2. The specification and/or planning of passive security design  
2 features of buildings, groups of buildings, including all components and  
3 appurtenances and the spaces around such building or groups of build-  
4 ings, shall comply with all rules and regulations governing articles one  
5 hundred forty-five, one hundred forty-seven, and one hundred forty-eight  
6 of this chapter.

7 § 4. Subdivision 1 of section 409-d of the education law, as amended  
8 by section 52-f of part YYY of chapter 59 of the laws of 2019, is  
9 amended to read as follows:

10 1. Program establishment. The commissioner is authorized and directed  
11 to establish, develop and monitor a comprehensive public school building  
12 safety program which shall include a uniform inspection, safety rating  
13 and monitoring system. Such program shall require the inspections of all  
14 public school buildings throughout the state (i) at least once between  
15 the period commencing with the first day of January, two thousand twenty  
16 and ending with the thirty-first day of December, two thousand twenty  
17 and (ii) at least once between the period commencing with the first day  
18 of January, two thousand twenty-two and ending with the thirty-first day  
19 of December, two thousand twenty-two, provided that such inspections  
20 shall exclude public school buildings in a school district required to  
21 conduct building condition surveys between January first, two thousand  
22 twenty and the end of such period in accordance with regulations of the  
23 commissioner adopted pursuant to subparagraph one-a of paragraph c of  
24 subdivision four of section thirty-six hundred forty-one of this chap-  
25 ter, and provided further that such exclusion shall not apply in the  
26 case of a school district which has not completed the building condition  
27 surveys so required and submitted the same to the department. Under such  
28 program, the commissioner may require inspections of public school  
29 buildings as deemed necessary to maintain the safety of school buildings  
30 and the welfare of the occupants, and such program shall establish a  
31 safety rating system for such school buildings to assess the need for  
32 maintenance, repairs, design, planning, rehabilitation, reconstruction,  
33 construction and other improvements related to the structural integrity  
34 and overall safety of public school buildings including but not limited  
35 to building systems related to electrical, plumbing, heating, venti-  
36 lation, and air conditioning, sanitation and health, fire and accident  
37 protection; and require that such ratings be used for the purpose of  
38 developing a buildings condition survey as required pursuant to subdivi-  
39 sion four of section thirty-six hundred forty-one of this chapter and a  
40 five year facilities plan as required pursuant to clause (i) of subpara-  
41 graph two of paragraph b of subdivision six of section thirty-six  
42 hundred two of this chapter.

43 § 5. Subdivision 4 of section 2801-a of the education law, as amended  
44 by chapter 525 of the laws of 2019, is amended to read as follows:

45 4. Each district-wide school safety team shall be appointed by the  
46 board of education, or the chancellor in the case of the city school  
47 district of the city of New York, and shall include but not be limited  
48 to representatives of the school board, teacher, administrator, and  
49 parent organizations, school safety personnel, and other school person-  
50 nel including bus drivers and monitors. At the discretion of the board  
51 of education, or the chancellor in the case of the city of New York, a  
52 student may be allowed to participate on the safety team, provided  
53 however, that no portion of a confidential building-level emergency  
54 response plan shall be shared with such student nor shall such student  
55 be present where details of a confidential building-level emergency  
56 response plan or confidential portions of a district-wide emergency

1 response strategy are discussed. Each building-level emergency response  
2 team shall be appointed by the building principal, in accordance with  
3 regulations or guidelines prescribed by the board of education, chancel-  
4 lor or other governing body. Such building-level teams shall include but  
5 not be limited to representatives of teacher, administrator, and parent  
6 organizations, school safety personnel and other school personnel  
7 including bus drivers and monitors, community members, law enforcement  
8 officials, fire officials or other emergency response agencies, design  
9 professionals licensed pursuant to articles one hundred forty-five, one  
10 hundred forty-seven, or one hundred forty-eight of this chapter, and any  
11 other representatives the board of education, chancellor or other  
12 governing body deems appropriate.

13 § 6. Paragraph a of subdivision 1 of section 2814 of the education  
14 law, as added by chapter 181 of the laws of 2000, is amended to read as  
15 follows:

16 a. School safety activities. Programs eligible for funding pursuant to  
17 this section may include, but not be limited to: (i) safe corridors  
18 programs; (ii) diversity programs; (iii) collaborative school safety  
19 programs with law enforcement agencies or community-based organizations;  
20 (iv) metal detectors, intercom and other intra-school communication  
21 devices and other devices to increase school security and the safety of  
22 school personnel and students; (v) passive security design features, as  
23 defined by section four hundred eight-c of this chapter, to increase the  
24 security and safety of school property, as defined by section twenty-  
25 eight hundred one of this chapter; and (vi) other programs including  
26 comprehensive school-based intervention models, approved by the commis-  
27 sioner, that reduce violence and improve school safety. Comprehensive  
28 school based intervention models shall coordinate with and collaborate  
29 with other services currently being provided in the school district,  
30 incorporate appropriate school violence prevention and intervention  
31 services, and coordinate appropriate funding sources to ensure the effi-  
32 cient delivery of services. Such comprehensive school-based intervention  
33 models shall also include provisions for the involvement of teachers,  
34 parents, school administrators in the development and implementation of  
35 the program, a detailed statement identifying specific performance  
36 goals, a proposed timetable for implementation and achievement of such  
37 goals and specific assessment methods which will be used to measure  
38 student and school progress.

39 § 7. Subdivision 6-c of section 3602 of the education law, as amended  
40 by chapter 1 of the laws of 2013, paragraph b as amended by section 11  
41 of part CCC of chapter 59 of the laws of 2018, is amended to read as  
42 follows:

43 6-c. a. Building aid for passive security design features as defined  
44 by section four hundred eight-c of this chapter, metal detectors, and  
45 safety devices for electrically operated partitions, room dividers and  
46 doors. In addition to the apportionments payable to a school district  
47 pursuant to subdivision six of this section, the commissioner is hereby  
48 authorized to apportion to any school district additional building aid  
49 pursuant to this subdivision for its approved expenditures in the base  
50 year for the purchase and/or procurement of professional design  
51 services, stationary metal detectors, security cameras, safety devices  
52 for electrically operated partitions and room dividers required pursuant  
53 to section four hundred nine-f of this chapter, or other security  
54 devices or design-based solutions approved by the commissioner that  
55 increase the safety of students and school personnel, provided, however,  
56 that funds apportioned to school districts pursuant to this section

1 shall not supplant funds for existing district expenditures or for  
2 existing contractual obligations of the district for professional design  
3 services, stationary metal detectors, security cameras, partition and  
4 room divider safety devices, or security devices. Portable or hand held  
5 metal detectors shall not be eligible for aid pursuant to this subdivi-  
6 sion. Such additional aid shall equal the product of the building aid  
7 ratio computed for use in the current year pursuant to paragraph c of  
8 subdivision six of this section and the actual approved expenditures  
9 incurred in the base year pursuant to this subdivision, provided that  
10 the limitations on cost allowances prescribed by paragraph a of subdivi-  
11 sion six of this section shall not apply. The commissioner shall annual-  
12 ly prescribe a special cost allowance for metal detectors, and security  
13 cameras, and the approved expenditures shall not exceed such cost allow-  
14 ance. The commissioner shall annually prescribe a special cost allowance  
15 for partition and room divider safety devices, and the approved expendi-  
16 tures shall not exceed such cost allowance.

17 b. For projects approved by the commissioner authorized to receive  
18 additional building aid pursuant to this subdivision for the purchase  
19 and/or procurement of professional design services, stationary metal  
20 detectors, security cameras or other security devices approved by the  
21 commissioner that increase the safety of students and school personnel,  
22 provided that for purposes of this paragraph such other security devices  
23 shall be limited to electronic security systems and hardened doors, and  
24 provided that for projects approved by the commissioner on or after the  
25 first day of July two thousand thirteen and before the first day of July  
26 two thousand twenty-three such additional aid shall equal the product of  
27 (i) the building aid ratio computed for use in the current year pursuant  
28 to paragraph c of subdivision six of this section plus ten percentage  
29 points, except that in no case shall this amount exceed one hundred  
30 percent, and (ii) the actual approved expenditures incurred in the base  
31 year pursuant to this subdivision, provided that the limitations on cost  
32 allowances prescribed by paragraph a of subdivision six of this section  
33 shall not apply, and provided further that any projects aided under this  
34 paragraph must be included in a district's school safety plan. The  
35 commissioner shall annually prescribe a special cost allowance for metal  
36 detectors, and security cameras, and the approved expenditures shall not  
37 exceed such cost allowance.

38 § 8. This act shall take effect immediately.