

# STATE OF NEW YORK

4484--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. HYNDMAN, DICKENS -- Multi-Sponsored by -- M. of A. SAYEGH -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to classroom safety mechanisms, emergency medical equipment, and evidence-based best practices for school safety planning and training

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 409-m  
2 to read as follows:

3 § 409-m. Quick action school security devices. 1. To ensure safety for  
4 children, administrators, and staff, every door in school buildings  
5 shall be equipped with a locking device that follows, at a minimum, the  
6 guidelines under section 2.19 of the United States department of home-  
7 land security primer, which states that door locks shall lock automat-  
8 ically or with a simple locking mechanism in order to ensure that it can  
9 be quickly locked from either side.

10 2. Wherever possible, advanced hardening options for windows and doors  
11 on school premises shall be considered and applied, such as ballistic  
12 classroom doors, ballistic or shatter proof safety film on ground floor  
13 classroom windows, and classroom door view panels.

14 3. School administrators, in consultation with the local police  
15 department, shall install security cameras supported by artificial  
16 intelligence and be installed where appropriate.

17 4. Devices outlined in this section shall be compliant with life safe-  
18 ty, fire codes, the Americans with disabilities act and all other appli-  
19 cable laws.

20 § 2. The education law is amended by adding a new section 923 to read  
21 as follows:

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

LBD06264-03-9

1     § 923. Public bleeding control. 1. For purposes of this section, the  
2 term "public bleeding control equipment" shall mean a first aid response  
3 kit that contains equipment such as tourniquets, pressure dressing,  
4 scissors, protective gloves, and gauze bandages meant to help control  
5 and stop bleeding until trained emergency responders arrive, that are  
6 bundled together in individual kits, conspicuously labeled with the  
7 words "Bleeding Control".

8     2. When assembling and selecting public bleeding control equipment,  
9 public school administrators and staff, in consultation with the commis-  
10 sioner of health and commissioner of education, shall utilize the  
11 following best practices to enable untrained bystanders to become imme-  
12 diate responders:

13     a. select products that are easily applied by untrained professionals;  
14     b. ensure components are color and number-coded for easy identifica-  
15 tion;

16     c. products come with a user app that:

17         (i) provides easy to follow product selection and application  
18 instructions;

19         (ii) records useful activity and information that can inform first  
20 responders, trauma staff, and incident management recording; and

21         (iii) provides emergency care guidance for common uses, such as bleed-  
22 ing, choking, seizures, breathing, epipen and asthma inhaler applica-  
23 tion, and narkan;

24     d. policies and procedures for response to emergency situations, such  
25 as those requiring evacuation, sheltering, and lock-down. These policies  
26 shall include, at a minimum, evacuation routes, shelter sites, and  
27 procedures for addressing medical needs, transportation, and emergency  
28 notification of parents and guardians;

29     e. designation of an emergency response team comprised of school  
30 personnel, law enforcement officials, fire officials and representatives  
31 from local regional and/or state emergency response agencies, other  
32 appropriate incident response teams, and a post-incident response team  
33 that includes appropriate school personnel, medical personnel, mental  
34 health counselors, and others who can assist the school community in  
35 coping with the aftermath of a violent incident;

36     f. floor plans, blueprints, schematics or other maps of the school  
37 interior, school grounds, and road maps of the immediate surrounding  
38 area;

39     g. establishment of internal and external communication systems in  
40 emergencies;

41     h. definition of the chain of command in a manner consistent with the  
42 national interagency incident management system/incident command system;

43     i. coordination of the emergency response plan with the state-wide  
44 plan for disaster mental health services to assure that the school has  
45 access to federal, state, and local mental health resources in the event  
46 of a violent incident;

47     j. procedures for review and the conducting of drills and other exer-  
48 cises to test components of the emergency response plan; and

49     k. policies and procedures for securing and restricting access to the  
50 crime scene in order to preserve evidence in cases of violent crimes on  
51 school property.

52     3. When deploying public bleed control equipment, public school admin-  
53 istrators and staff, in consultation with the commissioner of health and  
54 commissioner of education, shall utilize the following best practices  
55 for placement and quantities:

1 a. mobile units - to be utilized for school nurses, school resource  
2 officers, athletic departments, school buses, physical education depart-  
3 ments, and all after-school and out-of-school activities;

4 b. public access bleeding control station - for every automated  
5 external defibrillator, as defined in paragraph (a) of subdivision one  
6 of section three thousand-b of the public health law, that shall be a  
7 wall-mounted station containing four individual kits;

8 c. individual kits in every classroom in case of emergencies or lock-  
9 downs; and

10 d. for purposes of this section, proper placement of equipment should  
11 follow the three-minute rule, which means that an individual must be  
12 able to retrieve the equipment and begin treatment within three minutes.

13 4. Each district-wide school safety team shall be appointed by the  
14 board of education, or the chancellor in the case of the city school  
15 district of the city of New York, and shall include but not be limited  
16 to representatives of the school board, teacher, administrator, and  
17 parent organizations, school safety personnel, and other school person-  
18 nel. At the discretion of the board of education, or the chancellor in  
19 the case of the city of New York, a student may be allowed to partic-  
20 ipate on the safety team, provided however, that no portion of a confi-  
21 dential building-level emergency response plan shall be shared with such  
22 student nor shall such student be present where details of a confiden-  
23 tial building-level emergency response plan or confidential portions of  
24 a district-wide emergency response strategy are discussed. Each build-  
25 ing-level emergency response team shall be appointed by the building  
26 principal, in accordance with regulations or guidelines prescribed by  
27 the board of education, chancellor or other governing body. Such build-  
28 ing-level teams shall include but not be limited to representatives of  
29 teacher, administrator, and parent organizations, school safety person-  
30 nel and other school personnel, community members, law enforcement offi-  
31 cials, fire officials or any other emergency response agencies, and any  
32 other representatives the board of education, chancellor, or other  
33 governing body deems appropriate.

34 5. The district-wide safety plan and building-level emergency response  
35 plans shall be reviewed by the appropriate team on at least an annual  
36 basis and updated as needed.

37 6. Each board of education, chancellor or other governing body shall  
38 make each district-wide safety plan available for public comment at  
39 least thirty days prior to its adoption. Such district-wide plans may be  
40 adopted by the school board only after at least one public hearing that  
41 provides for the participation of school personnel, parents, students,  
42 and any other interested parties. Each district shall file a copy of its  
43 district-wide safety plan with the commissioner and all amendments to  
44 such plan shall be filed with the commissioner no later than thirty days  
45 after their adoption.

46 7. Each board of education, chancellor or other governing body or  
47 officer shall ensure a copy of each building-level emergency response  
48 plan and any amendments thereto, shall be filed with the appropriate  
49 local law enforcement agency and with the state police within thirty  
50 days of its adoption. Building-level emergency response plans shall be  
51 confidential and shall not be subject to disclosure under article six of  
52 the public officers law or any other provision of law. If the board of  
53 education, chancellor or other governing body or chancellor fails to  
54 file such plan as required by this section, the commissioner may, in an  
55 amount determined by the commissioner, withhold public money from the  
56 district until the district is in compliance.

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

4 9. Whenever it shall have been demonstrated to the satisfaction of the  
5 commissioner that a school district has failed to adopt a code of  
6 conduct which fully satisfies the requirements of section twenty-eight  
7 hundred one of this chapter, or a district-wide safety plan or build-  
8 ing-level emergency response plan which satisfies the requirements of  
9 this section, or to faithfully and completely implement all three, the  
10 commissioner may, on thirty days notice to the district, withhold from  
11 the district monies to be paid to such district for the current school  
12 year pursuant to section thirty-six hundred nine-a of this chapter,  
13 exclusive monies to be paid in respect of obligations to the retirement  
14 systems for school and district staff and pursuant to collective  
15 bargaining agreements, or the commissioner may direct the district to  
16 expend up to such amount upon the development and implementation of a  
17 code of conduct and a school district safety plan as required by such  
18 sections. Prior to such withholding or redirection, the commissioner  
19 shall provide the district an opportunity to present evidence of exten-  
20 uating circumstances; when combined with evidence that the district  
21 shall promptly comply within short time frames that shall be established  
22 by the commissioner as part of an agreement between the district and the  
23 commissioner, the commissioner may temporarily stay the withholding or  
24 redirection of funds pending the implementation of such agreement. If  
25 the district promptly and fully complies with the agreement and is in  
26 full compliance with this section and section twenty-eight hundred one  
27 of this chapter, the commissioner shall abate the withholding in its  
28 entirety. Any failure to meet the obligations of the compliance agree-  
29 ment by the district within the time frames established shall be consid-  
30 ered a willful violation of a commissioner's order by the members of the  
31 district board for purposes of subdivision one of section three hundred  
32 six of this title. Notwithstanding any other law, rule or regulation,  
33 such transfer shall take effect upon filing of a notice thereof with the  
34 director of the budget and the chairs of the senate finance and assembly  
35 ways and means committees.

36 § 3. Subdivision 2 of section 2801-a of the education law, as amended  
37 by section 1 of part B of chapter 54 of the laws of 2016, paragraphs a,  
38 b and g as amended by chapter 525 of the laws of 2019, is amended to  
39 read as follows:

40 2. Such comprehensive district-wide safety plan shall be developed by  
41 the district-wide school safety team and shall include at a minimum:

42 a. evidence-based policies and procedures for responding to implied or  
43 direct threats of violence by students, teachers, other school personnel  
44 including bus drivers and monitors, as well as visitors to the school,  
45 including threats by students against themselves, which for the purposes  
46 of this section shall include suicide;

47 b. evidence-based policies and procedures for responding to acts of  
48 violence by students, teachers, other school personnel including bus  
49 drivers and monitors, as well as visitors to the school, including  
50 consideration of zero-tolerance policies for school violence;

51 c. evidence-based appropriate prevention and intervention strategies  
52 such as:

53 (i) collaborative arrangements with state and local law enforcement  
54 officials, designed to ensure that school safety officers and other  
55 security personnel are adequately trained, including being trained to

1 de-escalate potentially violent situations, and are effectively and  
2 fairly recruited;

3 (ii) non-violent conflict resolution training programs;

4 (iii) peer mediation programs and youth courts; and

5 (iv) extended day and other school safety programs;

6 d. evidence-based policies and procedures for contacting appropriate  
7 law enforcement officials in the event of a violent incident;

8 e. evidence-based policies and procedures for contacting parents,  
9 guardians or persons in parental relation to the students of the  
10 district in the event of a violent incident and policies and procedures  
11 for contacting parents, guardians or persons in parental relation to an  
12 individual student of the district in the event of an implied or direct  
13 threat of violence by such student against themselves, which for  
14 purposes of this section shall include suicide;

15 f. evidence-based policies and procedures relating to school building  
16 security, including where appropriate the use of school safety officers  
17 and/or security devices or procedures, as further outlined in section  
18 four hundred nine-m of this chapter;

19 g. evidence-based policies and procedures for the dissemination of  
20 informative materials regarding the early detection of potentially  
21 violent behaviors, including but not limited to the identification of  
22 family, community and environmental factors, to teachers, administra-  
23 tors, school personnel including bus drivers and monitors, persons in  
24 parental relation to students of the district, students and other  
25 persons deemed appropriate to receive such information;

26 h. evidence-based policies and procedures for annual school safety  
27 training for staff and students; provided that the district must certify  
28 to the commissioner that all staff have undergone annual training on the  
29 emergency response plan, and that the school safety training include  
30 components on violence prevention and mental health, such training may  
31 be implemented and conducted in conjunction with existing professional  
32 development and training; provided however that new employees hired  
33 after the start of the school year shall receive training within thirty  
34 days of such hire or as part of a district's existing new hire training  
35 program, whichever is sooner, and shall include;

36 (i) evidence-based professional development and training programs that  
37 are able to achieve third-party validation, such as curriculum accredi-  
38 tation from an independent higher education learning institution;

39 (ii) instruction from professionally credentialed instructors with  
40 functional and instructional experience, skill level, and credentialing;

41 (iii) instructional methodology that includes an interactive delivery  
42 model inclusive of group discussions, scenario based and tabletop exer-  
43 cise, and follows professional instructional protocol;

44 (iv) the same training for all school personnel including administra-  
45 tors, teachers, and staff at all levels, including school resource offi-  
46 cers, to offset their own separate training focused on threat mitigation  
47 neutralization, and to ensure familiarity, continuity, and consistency;  
48 and

49 (v) site-specific and customizable training curriculum that can be  
50 adapted to each school site's specific risk profile and threat level,  
51 and should include participation in order to familiarize them with a  
52 school's approach;

53 i. protocols for responding to bomb threats, hostage-takings, intru-  
54 sions and kidnappings;

55 j. evidence-based strategies for improving communication among  
56 students and between students and staff and reporting of potentially

1 violent incidents, such as the establishment of youth-run programs, peer  
2 mediation, conflict resolution, creating a forum or designating a mentor  
3 for students concerned with bullying or violence and establishing anony-  
4 mous reporting mechanisms for school violence;

5 k. a description of the duties of hall monitors and any other school  
6 safety personnel, the training required of all personnel acting in a  
7 school security capacity, and the hiring and screening process for all  
8 personnel acting in a school security capacity; and

9 l. the designation of the superintendent, or superintendent's desig-  
10 nee, as the district chief emergency officer responsible for coordinat-  
11 ing communication between school staff and law enforcement and first  
12 responders, and ensuring staff understanding of the district-level safe-  
13 ty plan. The chief emergency officer shall also be responsible for  
14 ensuring the completion and yearly updating of building-level emergency  
15 response plans.

16 § 4. This act shall take effect on the one hundred twentieth day after  
17 it shall have become a law. Effective immediately, the addition, amend-  
18 ment and/or repeal of any rule or regulation necessary for the implemen-  
19 tation of this act on or before its effective date are authorized to be  
20 made and completed on or before such effective date.