STATE OF NEW YORK

2642--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. HYNDMAN -- 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:

Section 1. The education law is amended by adding a new section 409-n to read as follows:

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

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

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

4. Devices outlined in this section shall be compliant with life safety, fire codes, the Americans with disabilities act and all other applicable laws.

§ 2. The education law is amended by adding a new section 924 to read as follows:

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

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

2. When assembling and selecting public bleeding control equipment, public school administrators and staff, in consultation with the commissioner of health and commissioner of education, shall utilize the following best practices to enable untrained bystanders to become immediate responders:

a. select products that are easily applied by untrained professionals;

b. ensure components are color and number-coded for easy identification;

c. products come with a user app that:

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

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

(iii) provides emergency care guidance for common uses, such as bleeding, choking, seizures, breathing, epipen and asthma inhaler application, and narcan;

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

e. designation of an emergency response team comprised of school personnel, law enforcement officials, fire 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 school personnel, medical personnel, mental health counselors, and others who can assist the school community in coping with the aftermath of a violent incident;

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

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

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

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

j. procedures for review and the conducting of drills and other exercises to test components of the emergency response plan; and

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

3. When deploying public bleed control equipment, public school administrators and staff, in consultation with the commissioner of health and commissioner of education, shall utilize the following best practices for placement and quantities:

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

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

c. individual kits in every classroom in case of emergencies or lockdowns; and

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

4. Each district-wide school safety team shall be appointed by the board of education, or the chancellor in the case of the city school district of the city of New York, and shall include but not be limited to representatives of the school board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel. At the discretion of the board of education, or the chancellor in the case of the city of New York, a student may be allowed to participate on the safety team, provided however, that no portion of a confidential building-level emergency response plan shall be shared with such student nor shall such student be present where details of a confidential building-level emergency response plan or confidential portions of a district-wide emergency response strategy are discussed. Each building-level emergency response team shall be appointed by the building principal, in accordance with regulations or guidelines prescribed by the board of education, chancellor or other governing body. Such building-level teams shall include but not be limited to representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials or any other emergency response agencies, and any other representatives the board of education, chancellor, or other governing body deems appropriate.

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

6. Each board of education, chancellor or other governing body shall make each district-wide safety plan available for public comment at least thirty days prior to its adoption. Such district-wide plans may be adopted by the school board only after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Each district shall file a copy of its district-wide 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.

7. Each board of education, chancellor or other governing body or officer shall ensure a copy of each building-level emergency response 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 education, chancellor or other governing body or chancellor 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 district until the district is in compliance.

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

9. Whenever it shall have been demonstrated to the satisfaction of the commissioner that a school district has failed to adopt a code of conduct which fully satisfies the requirements of section twenty-eight hundred one of this chapter, or a district-wide safety plan or building-level emergency response plan which satisfies the requirements of this section, or to faithfully and completely implement all three, the commissioner may, on thirty days notice to the district, withhold from the district monies to be paid to such district for the current school year pursuant to section thirty-six hundred nine-a of this chapter, exclusive monies to be paid in respect of obligations to the retirement systems for school and district staff and pursuant to collective bargaining agreements, or the commissioner may direct the district to expend up to such amount upon the development and implementation of a code of conduct and a school district safety plan as required by such sections. Prior to such withholding or redirection, the commissioner shall provide the district an opportunity to present evidence of extenuating circumstances; when combined with evidence that the district shall promptly comply within short time frames that shall be established by the commissioner as part of an agreement between the district and the commissioner, the commissioner may temporarily stay the withholding or redirection of funds pending the implementation of such agreement. If the district promptly and fully complies with the agreement and is in full compliance with this section and section twenty-eight hundred one of this chapter, the commissioner shall abate the withholding in its entirety. Any failure to meet the obligations of the compliance agreement by the district within the time frames established shall be considered a willful violation of a commissioner's order by the members of the district board for purposes of subdivision one of section three hundred six of this title. Notwithstanding any other law, rule or regulation, such transfer shall take effect upon filing of a notice thereof with the director of the budget and the chairs of the senate finance and assembly ways and means committees.

§ 3. Subdivision 2 of section 2801-a of the education law, as amended by section 1 of part B of chapter 54 of the laws of 2016, paragraphs a, b and g as amended by chapter 525 of the laws of 2019, paragraph k as amended by chapter 168 of the laws of 2020, and paragraphs l and m as amended by chapter 30 of the laws of 2021, is amended to read as follows:

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

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

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

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

(i) collaborative arrangements with state and local law enforcement officials, designed to ensure that school 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;

(iii) peer mediation programs and youth courts; and

(iv) extended day and other school safety programs;

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

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

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

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

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

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

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

(iii) instructional methodology that includes an interactive delivery model inclusive of group discussions, scenario based and tabletop exercise, and follows professional instructional protocol;

(iv) the same training for all school personnel including administrators, teachers, and staff at all levels, including school resource officers, to offset their own separate training focused on threat mitigation neutralization, and to ensure familiarity, continuity, and consistency; and

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

i. protocols for responding to bomb threats, hostage-takings, intrusions and kidnappings;

j. **evidence-based** strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence and establishing anonymous reporting mechanisms for school violence;

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

l. the designation of the superintendent, or superintendent's designee, as the district chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and ensuring staff understanding of the district-level safety plan. The chief emergency officer shall also be responsible for ensuring the completion and yearly updating of building-level emergency response plans; and

m. protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions of section twenty-seven-c of the labor law.

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on or before its effective date are authorized to be made and completed on or before such effective date.