

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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1 § 924. 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 cial, 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, paragraph k as
39 amended by chapter 168 of the laws of 2020, and paragraphs l and m as
40 amended by chapter 30 of the laws of 2021, is amended to read as
41 follows:

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

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

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

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

55 (i) collaborative arrangements with state and local law enforcement
56 officials, designed to ensure that school safety officers and other

1 security personnel are adequately trained, including being trained to
2 de-escalate potentially violent situations, and are effectively and
3 fairly recruited;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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