

# STATE OF NEW YORK

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824--A

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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Introduced by M. of A. PAULIN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. A five year capital facil-  
20 ities plan, as required pursuant to paragraph d of subdivision two of  
21 section four hundred nine-d of this article, shall consider the incorpo-  
22 ration of design elements and strategies as part of a comprehensive

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

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1 approach to provide a secure and safe school environment. On or before  
2 July first, two thousand twenty-two, the commissioner shall issue guid-  
3 ance on the use of design elements and strategies by schools and school  
4 districts to provide a secure and safe environment.

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

7 4. Each district-wide school safety team shall be appointed by the  
8 board of education, or the chancellor in the case of the city school  
9 district of the city of New York, and shall include but not be limited  
10 to representatives of the school board, teacher, administrator, and  
11 parent organizations, school safety personnel, and other school person-  
12 nel including bus drivers and monitors. At the discretion of the board  
13 of education, or the chancellor in the case of the city of New York, a  
14 student may be allowed to participate on the safety team, provided  
15 however, that no portion of a confidential building-level emergency  
16 response plan shall be shared with such student nor shall such student  
17 be present where details of a confidential building-level emergency  
18 response plan or confidential portions of a district-wide emergency  
19 response strategy are discussed. Each building-level emergency response  
20 team shall be appointed by the building principal, in accordance with  
21 regulations or guidelines prescribed by the board of education, chancel-  
22 lor or other governing body. Such building-level teams shall include but  
23 not be limited to representatives of teacher, administrator, and parent  
24 organizations, school safety personnel and other school personnel  
25 including bus drivers and monitors, community members, law enforcement  
26 officials, fire officials or other emergency response agencies, design  
27 professionals licensed pursuant to articles one hundred forty-five, one  
28 hundred forty-seven, or one hundred forty-eight of this chapter, and any  
29 other representatives the board of education, chancellor or other  
30 governing body deems appropriate.

31 § 5. Paragraph a of subdivision 1 of section 2814 of the education  
32 law, as added by chapter 181 of the laws of 2000, is amended to read as  
33 follows:

34 a. School safety activities. Programs eligible for funding pursuant to  
35 this section may include, but not be limited to: (i) safe corridors  
36 programs; (ii) diversity programs; (iii) collaborative school safety  
37 programs with law enforcement agencies or community-based organizations;  
38 (iv) metal detectors, intercom and other intra-school communication  
39 devices and other devices to increase school security and the safety of  
40 school personnel and students; (v) programs which facilitate and promote  
41 community involvement in school facility planning; and (vi) other  
42 programs including comprehensive school-based intervention models,  
43 approved by the commissioner, that reduce violence and improve school  
44 safety. Comprehensive school based intervention models shall coordinate  
45 with and collaborate with other services currently being provided in the  
46 school district, incorporate appropriate school violence prevention and  
47 intervention services, and coordinate appropriate funding sources to  
48 ensure the efficient delivery of services. Such comprehensive school-  
49 based intervention models shall also include provisions for the involve-  
50 ment of teachers, parents, school administrators in the development and  
51 implementation of the program, a detailed statement identifying specific  
52 performance goals, a proposed timetable for implementation and achieve-  
53 ment of such goals and specific assessment methods which will be used to  
54 measure student and school progress.

1 § 6. Subparagraph 1 of paragraph a of subdivision 6 of section 3602 of  
2 the education law, as amended by section 5 of part A of chapter 60 of  
3 the laws of 2000, is amended to read as follows:

4 (1) For new construction and the purchase of existing structures, the  
5 cost allowances shall be based upon the rated capacity of the building  
6 or addition and a basic per pupil allowance of up to six thousand three  
7 hundred seventy-five dollars adjusted monthly by a statewide index  
8 reflecting changes in the cost of labor and materials since July first,  
9 nineteen hundred ninety-two, established by the commissioner of labor,  
10 modified by an annual county or multi-county labor market composite wage  
11 rate, established by the commissioner of labor in consultation with the  
12 commissioner, for July first of the base year, commencing July first,  
13 nineteen hundred ninety-seven for general construction contracts awarded  
14 on or after July first, nineteen hundred ninety-eight, indexed to the  
15 median of such county or multi-county rates, but not less than one.  
16 Such base allowance shall apply to a building or an addition housing  
17 grades prekindergarten through six and shall be adjusted for a building  
18 or an addition housing grades seven through nine by a factor of one and  
19 four-tenths, for a building or an addition housing grades seven through  
20 twelve by a factor of one and five-tenths, for a building or addition  
21 housing special education programs by a factor of two, except that where  
22 such building or addition is connected to, or such space is located  
23 within, a public school facility housing programs for nondisabled  
24 pupils, as approved by the commissioner, a factor of three shall be  
25 used. Rated capacity of a building or an addition shall be determined by  
26 the commissioner based on space standards and other requirements for  
27 building construction specified by the commissioner. Such assigned  
28 capacity ratings shall include, in addition to those spaces used for the  
29 instruction of pupils, those spaces which are used for elementary and  
30 secondary school libraries, cafeterias, prekindergarten instructional  
31 rooms, teachers' conference rooms, gymnasiums [~~and~~], auditoriums, health  
32 and wellness offices, and de-escalation rooms. For new construction  
33 projects approved on or after July first, two thousand, by the voters of  
34 the school district or by the board of education of a city school  
35 district in a city with more than one hundred twenty-five thousand  
36 inhabitants, and/or the chancellor in a city school district in a city  
37 having a population of one million or more, such rated capacity for new  
38 buildings and additions constructed to replace existing buildings that,  
39 in the judgment of the commissioner, have not been adequately maintained  
40 and have not reached their projected useful life shall be reduced by the  
41 commissioner by an amount proportional to the remaining unused portion  
42 of the useful life of the existing buildings, provided however that the  
43 commissioner may waive such requirement upon a finding that replacement  
44 of the existing building is necessary to protect the health and safety  
45 of students or staff, that reconstruction and modernization of the  
46 existing building would not adequately address such health and safety  
47 problems, and that the need to replace the building was not caused by  
48 failure to adequately maintain the building. If the commissioner of  
49 labor resets the statewide index reflecting changes in the costs of  
50 labor and materials since July first, nineteen hundred ninety-two, the  
51 commissioner shall adopt regulations to supersede the basic per pupil  
52 allowance of up to six thousand three hundred seventy-five dollars to  
53 the imputed allowance in effect at that time.

54 § 7. This act shall take effect immediately.