STATE OF NEW YORK

6338

2021-2022 Regular Sessions

IN SENATE

April 22, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

The legislature intends to provide school districts with the flexibility to adapt to differing and evolving community concerns, support student health and safety, and create productive learning environments.

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

§ 408-c. School safety design and planning. A five year capital facilities plan, as required pursuant to paragraph (d) of subdivision two of section four hundred nine-d of this article, shall consider the incorporation of design elements and strategies as part of a comprehensive approach to provide a secure and safe school environment. On or before July first, two thousand twenty-two, the commissioner shall issue guid-

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

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ance on the use of design elements and strategies by schools and school districts to provide a secure and safe environment.

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

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 including bus drivers and monitors. 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 including bus drivers and monitors, community members, law enforcement officials, fire officials or other emergency response agencies, design professionals licensed pursuant to articles one hundred forty-five, one hundred forty-seven, or one hundred forty-eight of this chapter, and any other representatives the board of education, chancellor or other governing body deems appropriate.

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

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

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

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

§ 7. This act shall take effect immediately.