STATE OF NEW YORK

6537--A

2023-2024 Regular Sessions

IN SENATE

April 26, 2023

Introduced by Sens. GOUNARDES, HARCKHAM, HOYLMAN-SIGAL, MYRIE, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to lock-down drills

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 807 of the education law, as amended by section 2 of part B of chapter 54 of the laws of 2016, is amended to read as follows:

1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, other than colleges or universities, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to respond appropriately in the shortest possible time and without confusion or panic. Such drills shall be held at least [~~twelve~~] **ten** times in each school year, [~~eight~~] **six** of which required drills shall be held between September first and December thirty-first of each such year. Eight of all such drills shall be evacuation drills, four of which shall be through use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress. [~~Four of all such~~] **Two** required drills shall be lock-down drills. Drills shall be conducted at different times of the school day. Pupils shall be instructed in the procedure to be followed in the event that a fire occurs during the lunch period or assembly, provided however, that such additional instruction may be waived where a drill is held during the regular school lunch period or assembly. Four additional drills shall be held in each school year during the hours after sunset and before sunrise in school buildings in which students are provided with

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

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sleeping accommodations. At least two additional drills shall be held during summer school in buildings where summer school is conducted, and one of such drills shall be held during the first week of summer school.

§ 2. Section 807 of the education law is amended by adding a new subdivision 2-a to read as follows:

2-a. (a) In implementing the lock-down drills described in subdivision one of this section, it shall be the duty of the board of education or school board or other body having control of the schools in any district or city to adopt a building-level emergency response plan consistent with the provisions of section twenty-eight hundred one-a of this chapter which includes a trauma-informed, developmentally, and age-appropriate approach to the design and execution of such drills, which shall stipulate that:

(i) notice to parents and guardians of students of when the lock-down drill will be held, at least seven days in advance of such drill;

(ii) drills shall not include props, actors, simulations, or other tactics intended to mimic an incident of violence or other emergency;

(iii) an announcement at the time that such drill is conducted that the activities being conducted are a drill; and

(iv) schools shall incorporate strategies and techniques to accommodate students, on an individualized basis and in a manner deemed appropriate by the school, who may need extra support during such drills, as such needs may have been reported to the school by a parent and/or guardian or otherwise flagged by school personnel. Nothing in this subdivision shall infringe on any federal or state laws which protect students.

(b) All boards of education or school boards or other bodies having control of the schools in any district or city shall incorporate as part of the annual school safety staff prescribed in paragraph h of subdivision two of section twenty-eight hundred one-a of this chapter guidance on:

(i) how to conduct such drills in a variety of classrooms, including those with physical limitations such as windowed walls;

(ii) what information should be communicated to students before, during, and after such drill; and

(iii) any other information that the board or body sees fit to include. All teachers, administrators, and school personnel subject to a lock-down drill shall be notified of such drill in advance of such drill occurring and shall be notified of such drill's expected length of time.

§ 3. This act shall take effect on the first of July next succeeding the date upon which 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 its effective date are authorized to be made and completed on or before such effective date.