



TO: The Honorable Members of the Board of Regents

FROM: Angelique Johnson-Dingle *Angelique Johnson-Dingle*

SUBJECT: Proposed Amendment of Section 155.17 of the Regulations of the Commissioner of Education Relating to Emergency Response Definitions for School Safety Plans

DATE: August 29, 2024

AUTHORIZATION(S): *Tom M. G. Bellotti*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of section 155.17 of the Commissioner's Regulations relating to emergency response definitions for school safety plans?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the September 2024 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

The proposed amendment was presented to the P-12 Education Committee for discussion at the April 2024 Board of Regents meeting. A Notice of Proposed Rule Making was published in the State Register on May 1, 2024, for a 60-day public comment period. Following publication in the State Register, the Department received comments on the proposed amendment. An Assessment of Public Comment (Attachment B) is attached. The Department proposes non-substantial revisions to the proposed amendment as described below. If adopted at the September 2024 meeting, a Notice of Adoption will be published in the State Register on September 25, 2024. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

This proposed amendment of section 155.17 of the Commissioner's regulations was being proposed at the same time that additional amendments of such section were being proposed. Background information on school safety in New York is more fully set forth in the background information of that item.

In recent years, concerns have been raised to the Safe Schools Task Force and School Safety Improvement Team (SSIT) about the need for statewide standardization in language related to emergency procedures. Since 2016, the SSIT developed guidance identifying the emergency response nomenclature that schools and law enforcement should utilize: Shelter-in Place, Hold-in Place, Evacuate, Lockout, and Lockdown (aka "SHELL terms"). The terms represent a multi-hazard emergency response strategy that may be utilized when faced with response to a variety of threats and are based on terminology recommended by the Federal Emergency Management Agency (FEMA). The terms broadly describe the response actions that students and school staff would take in response to an emergency. For example, circumstances warranting evacuation include a fire, chemical spill, and structural damage. The response action that receives the most attention and inspires the most anxiety is Lockdown drills. The recommended steps to a lockdown include students and staff quickly taking refuge inside a classroom behind a locked door and out of sight to protect themselves from an immediate threat of violence in or near the school building, such as an armed intruder.

A wide range of stakeholders have expressed interest in universal terminology and understanding of emergency protocols for the benefit of students, school staff, parents, and first responders/emergency personnel. In addition, the similarity of the terms "lockdown" and "lockout" has created confusion and misunderstandings among parents, students, schools, and emergency responders when the wrong term is inadvertently used in a time of great stress.

Proposed Amendment

This proposed amendment to section 155.17 of the Commissioner's regulations addresses the above concerns:

- including the term "evacuate" along with the term "evacuation" currently defined in the regulation;
- replacing the term "sheltering" with the commonly used terms "shelter/shelter-in place";
- defining the terms "secure lockout" (when students and staff remain inside locked and secured school buildings during incidents that pose an imminent concern outside the school) and "hold/hold-in place" (the restriction of movement of students and staff within the building while dealing with short term emergencies);
- amending the definition of "lockdown" to state that lockdown is initiated during incidents that pose an immediate threat of violence in or around the schools; and

- requiring that all schools, districts, and boards of cooperative educational services (BOCES) use these terms in their emergency response plans and include training for students and staff on these and other required emergency terms.

These new terms and definitions will take effect beginning with the 2025-26 school year so that schools, BOCES, and County Vocational Education and extension boards (VEEBs) have adequate time to incorporate the terms in their plans and train staff on the new terms and definitions.

Non-Substantial Revisions to the Proposed Amendment Following the Public Comment Period:

Following publication of the proposed rule in the State Register, the Department proposes to make two non-substantial revisions to the proposed rule. First, the proposed rule has been revised to clarify that the required training procedures for the conduct of drills include whether classrooms will be released from lockdown by law enforcement or school or district administrators during drills. Second, the wording in the definition of the term “Secure Lockout” was rearranged, so that it was clear that students and staff remain inside school buildings that are locked and secured.

Related Regents Items

[June 2016: Proposed Amendment of Sections 155.17 of the Commissioner’s Regulations relating to School Safety Plans and Fire and Emergency Drills](https://www.regents.nysed.gov/sites/regents/files/616p12a3.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/616p12a3.pdf>)

[September 2016: Proposed Amendment of Section 155.17 of the Commissioner’s Regulations relating to School Safety Plans and Fire and Emergency Drills](https://www.regents.nysed.gov/sites/regents/files/916brca15.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/916brca15.pdf>)

[July 2019: Proposed Amendment to §155.17 of the Regulations of the Commissioner of Education Relating to School Safety Plans](https://www.regents.nysed.gov/sites/regents/files/719p12a2.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/719p12a2.pdf>)

[April 2024: Proposed Amendment of Section 155.17 of the Regulations of the Commissioner of Education Relating to Emergency Response Definitions for School Safety Plans](https://www.regents.nysed.gov/sites/regents/files/424p12d2.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/424p12d2.pdf>)

[July 2024: Proposed Amendment of Section 155.17 of the Regulations of the Commissioner of Education Relating to School Safety Plan Requirements](https://www.regents.nysed.gov/sites/regents/files/724brca6revised.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/724brca6revised.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 155.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 25, 2024.

Timetable for Implementation

If adopted at the September 2024 meeting, the proposed amendment will become effective as a permanent rule on July 1, 2025.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, and 2801-a of the Education Law.

1. Paragraphs (11) through (22) of subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education are renumbered paragraphs (13) through (24).

2. Paragraphs (8), (9), and (10) of subdivision (b) of section 155.17 of the Regulations of the Commissioner of Education are amended and new paragraphs (11) and (12) are added to read as follows:

(8) [*Evacuation*] *Evacuate and evacuation* [means moving] means to move students for their protection from a school building to a predetermined location in response to an emergency.

(9) [*Sheltering*] *Shelter and shelter-in-place* mean keeping students in school buildings and sheltering them when it is deemed safer for students to remain inside rather than to return home or be evacuated.

(10) [*Lock-down*] *Lockdown* means to immediately clear the hallways, lock and/or barricade doors, hide from view, and remain silent while readying a plan of evacuation as a last resort. [*Lock-down*] *Lockdown* will only end upon physical release from the room or secured area by law enforcement. Lockdown is initiated during incidents that pose an immediate threat of violence in or around the school.

(11) *Hold and Hold-in-place* mean the restriction of movement of students and staff within the building while dealing with short-term emergencies.

(12) *Secure lockout* means students and staff remain inside school buildings that are locked and secured during incidents that pose an imminent concern outside the school.

2. Subparagraph (xiii) of paragraph (1) of subdivision (c) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(xiii) policies and procedures for annual multi-hazard school safety training for staff and students, provided that the district must certify to the commissioner that all staff have undergone annual training by September 15, 2016, and each subsequent September 15th thereafter on the building-level emergency response plan. Such training shall include a description of the roles and responsibilities of the building-level emergency response team, the building-level Incident Command System including the roles and responsibilities of designated staff, and the building level-emergency response plan procedures for implementing the following required emergency response terms: shelter/shelter-in place, hold/hold-in place, evacuate/evacuation, secure lockout, and lockdown. The required training shall also include the procedures for conducting drills, including whether classrooms will be released from lockdown by law enforcement or school or district administrators during drills, and the district and building policies, procedures, and programs related to safety including those which [must] include components on violence prevention and mental health[, provided further that new]. New employees hired after the start of the school year shall receive such training within 30 days of hire or as part of the district's existing new hire training program, whichever is sooner;

3. Subparagraph (i) of paragraph (2) of subdivision (c) of section 155.17 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) policies and procedures for the response to emergencies, [such as] including those requiring [evacuation] the school to shelter/shelter-in place, hold/hold-in place, evacuate, [sheltering,] secure lockout, and [lock-down,] lockdown. Such policies and procedures [which] shall include, at a minimum, the description of plans of action for

students and staff, and the recommended emergency response action in response to potential threats and hazards including, but not limited to threats that may require evacuation, [sheltering] shelter/shelter-in place, [lock-down] hold/hold-in place, secure lockout, or lockdown, evacuation routes and shelter sites, [and] procedures for addressing medical needs, considerations for the access and functional needs of students and staff, transportation and emergency notification to parents or persons in parental relation to a student, and procedures for reunification of students with parents or persons in parental relation following an emergency;

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Proposed Rule Making in the State Register on May 1, 2024, the State Education Department received the following comments:

COMMENT:

Several commenters noted it would be preferable if there were no changes to the emergency response terms, noting that these changes may cause added confusion. Commenters requested that the proposed change in emergency response terms change the term “Lockout” to “Secure” or something other than the proposed “Secure Lockout.” Additionally, several commenters noted that it would be preferable if such a term were to remain “Lockout.”

DEPARTMENT RESPONSE:

Prior to putting forth proposed amendments to Commissioner’s Regulations §155.17, the Department sought input from school districts, school and Board of Cooperative Educational Services (BOCES) administrators and staff, state and local law enforcement, stakeholders, and experts in education and emergency response planning as well as the Safe Schools Task Force and School Safety Improvement Team (SSIT) regarding the current terminology and practices in schools in New York and nationwide. The majority of the input was supportive of changing the term “Lockout” to “Secure Lockout.” Therefore, no change is necessary.