



New York State Comptroller
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Compliance With School Safety Planning Requirements

New York City Department of
Education

Report 2018-N-2 | June 2019

Spotlight on Education



Audit Highlights

Objective

To determine whether the New York City Department of Education (DOE) complies with the school safety planning requirements in the Safe Schools Against Violence in Education (SAVE) Act. The audit covered the period July 1, 2015 through February 15, 2019.

About the Program

The potential for emergency situations – including school shootings – compels school districts nationwide to plan for the unthinkable. Since 2000, New York State schools have been required to develop and regularly review school safety plans as part of the SAVE Act. Among its key provisions, the SAVE Act added Section 2801-a of the Education Law (Law), which requires public school districts to develop district-wide safety plans (District Plans) and building-level emergency response plans (School Safety Plans). Section 155.17 of the State Education Department (Education Department) Commissioner’s Regulations (State Regulations) and the DOE Chancellor’s Regulation A-414 (City Regulations) provide additional guidance on School Safety Plans. The Law and State and City Regulations outline general requirements for the plans, and specific requirements are left to safety teams at each district and school building. The safety teams are composed of stakeholders from the schools and districts, including representatives from the school board and parent, teacher, and administrator organizations; school safety personnel; community members; and first responders. The Law and State and City Regulations also require schools to review their plans and submit them to law enforcement agencies and to hold and document regular safety committee meetings.

The DOE, the nation’s largest school system, serves approximately 1.1 million students at about 1,800 elementary, middle, and high schools.

Key Findings

We determined that the DOE could improve its compliance with the school safety planning requirements outlined in the Law and State and City Regulations. For example, we found that:

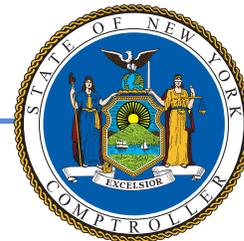
- The City Regulations, which guide the DOE’s process for collecting, reviewing, and approving School Safety Plans, do not fully align with the Law and State Regulations. For example, the DOE does not require School Safety Plans to be submitted within the time frames specified in the State Regulations; School Safety Plans can be submitted up to a month after the latest allowed submission date under the State Regulations, and almost 2½ months after the typical beginning of a school year. Moreover, even with the additional time allowed, schools did not submit their plans on time.
- The DOE did not require schools to use the Education Department’s School Safety Plan template or send the School Safety Plans to the New York State Police (State Police); however, they are sent to the New York City Police Department. Additionally, schools were not required to submit floor plans; instead, copies of these plans were maintained

with the DOE's Division of School Facilities (DSF). Three of the 25 plans sampled from DSF were outdated and missing information regarding construction updates. As floor plans are a key piece of information for first responders to emergencies, having up-to-date plans is critical for school safety planning and emergency response.

- School Safety Committees play an essential role in establishing safety procedures, communicating expectations and responsibilities to students and staff, and designing prevention and intervention strategies and programs specific to the needs of the school. It is important that these meetings be held as required, with the designated personnel in attendance, and that they cover meaningful topics. We found that documentation did not support that meetings were held monthly (as required by the City Regulations), were well planned, or covered meaningful topics. Additionally, available documentation generally showed poor attendance.
- We tested compliance with aspects of School Safety Plans at the 25 sampled schools, finding deficiencies such as incorrect contact information for key personnel, unarmed door alarms, radios that were turned off or were not working, and School Safety Plans that were not stored in secured locations. For example, one plan included an incorrect main phone number for the school and incorrectly listed key personnel such as nurses, a principal, and an assistant principal who no longer worked there – the assistant principal listed had not been at the school for at least four years.
- Drills must be conducted regularly to practice school responses to an emergency in a pre-planned and organized fashion to allow for a quick response in the event of an emergency. Five of the 25 sampled schools did not conduct the minimum number of evacuation or lockdown drills and, for the 2016–17 school year, 3 of the 25 schools did not conduct drills within the required time frames.
- The DOE could also improve its compliance with district-wide planning requirements. We reviewed the DOE's District Plan, comparing it to the Law and State and City Regulations, and found it was missing certain information, including: procedures to test drills in coordination with local/county emergency responders/preparedness officials; policies and procedures for responding to implied or direct threats of violence by visitors to the school; and policies and procedures for annual multi-hazard school safety training for staff and students.
- While the DOE does not conduct shelter-in-place drills and correctly states these drills are not required by the Education Department, the data supports the value of conducting them. Shelter in place is a response to an emergency situation in which occupants seek safety within the building rather than evacuate. During the 2015–16, 2016–17, and 2017–18 school years, the DOE reported 219 school lockdowns and 684 instances in which students and staff had to shelter in place – more than three times the number of lockdowns.

Key Recommendations

- Review and amend the City Regulations to ensure they align and comply with the State Regulations and guidance.
- Work with the Education Department to develop a process to submit School Safety Plans to the State Police, as required under both the Law and the State Regulations; and develop and establish a system to ensure that up-to-date building floor plans are submitted as part of School Safety Plans.
- Review School Safety Committee meeting information submitted by schools to ensure the meetings take place, as required, and cover meaningful safety information; and establish a minimum number or percentage of committee members to be in attendance for each School Safety Committee meeting.
- Ensure that the DOE's review of School Safety Plans addresses accuracy and completeness (e.g., correct phone numbers, required number of alternate exits).
- Review procedures for monitoring emergency drills to ensure that all drills required by law are completed within the required time frames.
- Incorporate relevant outside documentation into the District Plans, including how drills are tested with local and county emergency responders and other preparedness officials.
- Require schools to conduct shelter-in-place drills as part of their School Safety Plan testing.



Office of the State Comptroller Division of State Government Accountability

June 12, 2019

Mr. Richard A. Carranza
Chancellor
New York City Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Dear Mr. Carranza:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage government resources efficiently and effectively and, by doing so, providing accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Compliance With School Safety Planning Requirements*. The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article III of the General Municipal Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

Division of State Government Accountability

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Glossary of Terms

Abbreviation	Description	Identifier
BRT	Building Response Team	<i>Key Term</i>
City Regulations	Chancellor's Regulation A-414	<i>Key Term</i>
District Plan	District-wide school safety plan	<i>Key Term</i>
District Safety Team	Safety team for each school district	<i>Key Term</i>
DOE	New York City Department of Education	<i>Auditee</i>
DSF	Division of School Facilities	<i>Division</i>
Education Department	State Education Department	<i>Agency</i>
FDNY	Fire Department of the City of New York	<i>Agency</i>
GRP	General Response Protocols	<i>Key Term</i>
Law	Section 2801-a of the Education Law	<i>Key Term</i>
NYPD	New York City Police Department	<i>Agency</i>
OSYD	Office of Safety and Youth Development	<i>Key Term</i>
SAVE	Safe Schools Against Violence in Education Act	<i>Key Term</i>
School Safety Committee	Safety team for each school	<i>Key Term</i>
School Safety Plan	Building-level emergency response plan	<i>Key Term</i>
SSA	School Safety Agent	<i>Key Term</i>
State Police	New York State Police	<i>Agency</i>
State Regulations	Section 155.17 of the New York Codes, Rules and Regulations	<i>Key Term</i>

Background

The potential for emergency situations – including school shootings – compels school districts nationwide to plan for the unthinkable. To address these uncertainties, the New York State Safe Schools Against Violence in Education (SAVE) Act was signed into law in 2000 in an effort to promote a safer and more effective learning environment within State schools. The SAVE Act added Section 2801-a of the Education Law (Law), requiring schools and school districts to take safety planning actions. Section 155.17 of the State Education Department (Education Department) Commissioner’s Regulations (State Regulations) and the Department of Education (DOE) Chancellor’s Regulation A-414 (City Regulations) provide additional guidance.

Collectively, the Law and State and City Regulations require districts (the DOE in New York City) to develop comprehensive district-wide school safety plans (District Plans) and schools to develop building-level emergency response plans (School Safety Plans). The Law and State Regulations outline the general information required in each type of plan and specific aspects are left to safety teams appointed at each district (District Safety Teams) and school (School Safety Committees). The safety teams must include district and school stakeholders, such as representatives from the school board and teacher, administrator, and parent organizations; school safety personnel; community members; and first responders.

The District Safety Team must annually review and update the District Plan and School Safety Committees must annually review and update School Safety Plans. District Plans must be submitted to the Education Department and School Safety Plans to the New York City Police Department (NYPD) and the New York State Police (State Police).

The Law, State and City Regulations, and other Education Department guidance collectively prescribe additional actions that schools and districts must take, including:

- Using a School Safety Plan template developed by the Education Department;
- Submitting floor plans as part of the School Safety Plan;
- Holding monthly School Safety Committee meetings and submitting documentation of those meetings;
- Keeping a hard copy of the School Safety Plan in a secured location in each school; and
- Holding a public hearing on the District Plan annually.

The DOE's School Safety Plan template (separate from the Education Department's template) references the number and type of emergency drills (evacuation and lockdown) schools must conduct each year, and Section 807 of the Education Law details the specific requirements for these drills. Moreover, the School Safety Plans include policies and procedures for school personnel to follow regarding the drills and primary and alternate exits for different rooms.

The DOE, the nation's largest school system (district), serves approximately 1.1 million students at about 1,800 elementary, middle, and high schools. During our audit, we met with officials from a judgmental sample of 25 schools and from the DOE. We also tested compliance with selected school safety planning requirements in the Law, State and City Regulations, and other Education Department guidance, and sought to verify information schools reported in their School Safety Plans or to the DOE. Our report does not identify the specific schools we visited; however, we shared detailed findings with DOE officials so they could follow up and take corrective action, as necessary.

Audit Findings and Recommendations

Overall, we found that the schools in our review had developed School Safety Plans, as required, and that school officials had appointed the required School Safety Committees to review and update those plans. However, we found that the DOE could improve its monitoring of schools to ensure they fully comply with the school safety planning requirements outlined in the Law and State and City Regulations.

For example, we determined that the DOE did not require schools to include building floor plans in their School Safety Plans as required under both the Law and the State Regulations, and the floor plans that the DOE had on file for 3 of the 25 sampled schools (12 percent) were outdated. We found that the City Regulations, which guide the DOE's process for collecting, reviewing, and approving School Safety Plans, do not fully align with the Law and State Regulations. We found that required School Safety Committee meetings were often poorly attended, and documentation evidencing that meetings were held was not always maintained. After testing compliance with aspects of School Safety Plans at the 25 sampled schools, we found deficiencies such as incorrect contact information for key personnel, unarmed door alarms, radios that were turned off or were not charged, and School Safety Plans that were not stored in secured locations.

We determined that the DOE should improve its compliance with district-wide planning requirements. For example, the DOE's District Plan was missing required information. We also found that the DOE has not, on an annual basis, made the District Plan available for public comment and has not been holding the required public hearings. Additionally, we found that schools in our sample did not always conduct all required fire and lockdown drills.

We recommend the DOE take steps to better comply with the Law, State and City Regulations, and other Education Department guidance to ensure that students and staff are prepared in the event of an emergency.

School Safety Plans

The development and regular review of School Safety Plans are key to ensuring students and staff take the appropriate steps during emergencies or other school incidents. The Law and State Regulations require School Safety Plans to include policies, procedures, and other information to guide students, staff, and other school personnel during an emergency or incident. The plans must be developed by the School Safety Committees in a prescribed format and submitted annually to local law enforcement (e.g., the NYPD) and the State Police. We reviewed the DOE's School Safety Plan template along with documentation for monthly School Safety Committee meetings, and also reviewed whether the plans were submitted to the State Police, as required.

We found instances of non-compliance with the Law, State Regulations, and other DOE guidance.

City Regulations Do Not Fully Align With the Law and State Regulations

According to the Law and State Regulations, School Safety Plans must be reviewed each year by the School Safety Committee and updated, as necessary. Additional guidance from the Education Department states that School Safety Plans must be adopted annually by September 1 and submitted to the State Police and local law enforcement within 30 days of adoption, or no later than October 15. However, we determined that the City Regulations, which guide the DOE's process for collecting, reviewing, and approving School Safety Plans, do not align with the Law and State Regulations. For example, City Regulations require principals to submit their School Safety Plans to the DOE Safety Administrator for review by the third week of September. This is three weeks after the plans should have been reviewed, updated, and adopted based on Education Department guidance.

Once approved, the Safety Administrator must then submit the School Safety Plans to the Commanding Officer of the School Safety Division by the end of October. If revisions are necessary, the plans may be corrected and resubmitted as late as November 15 of each school year. We note this is as much as a month after the latest submission date allowed under the State Regulations and approximately 2½ months after the typical beginning of a school year. DOE officials pointed out that prior School Safety Plans would remain in effect until updated ones could be submitted and approved; however, the DOE should work toward complying with the Law's time frames so plans have the most up-to-date information.

Lack of Compliance With School Safety Plan Requirements

No Submission to State Police; Use of Incorrect Plan Template

Under the Law and State Regulations, School Safety Plans must be submitted to the State Police. According to a 2016 Education Department memo, all schools, starting with the 2016–17 school year, are required to submit their School Safety Plans using a template developed by the Education Department. The same memo stated that, beginning with the 2017–18 school year, schools are required to submit their School Safety Plans using an automated system.

We learned from DOE officials that the DOE works extensively with, and submits its plans to, the NYPD, as its local law enforcement agency and primary first responders. However, we also determined that the DOE does not submit the plans to the State Police, as required under the Law and the State Regulations.

The primary method statewide for submitting School Safety Plans to the State Police is via the Education Department's template and automated submission process. However, the DOE provided its own School Safety Plan template, or "plan shell," to each School Safety Committee, rather than the Education Department's template. While the plan shell largely captures the same information as the Education Department's template, it is missing procedures for addressing transportation protocols in the event of an emergency, as required by both the Law and State Regulations. Use of the DOE-provided School Safety Plan template complicates the DOE's ability to submit plans to the State Police via the Education Department's automated reporting process and makes it more difficult to compare plans.

DOE officials stated they are not required to submit plans to the State Police or provide certain information about each school, including transportation plans. We disagree with the DOE's interpretation and found no evidence of any amendments to the Law or State Regulations that exclude the DOE from fulfilling these requirements. As such, unless or until the Law is amended, the DOE should work with the Education Department to develop a process for submitting School Safety Plans to the State Police, as currently required under the Law.

Floor Plans Not Included and Not Up to Date

According to the Law and State Regulations, schools must also include floor plans in their School Safety Plans. Floor plans are a key piece of information for emergency response, and the DOE has a responsibility to have the most up-to-date floor plan information for all schools. However, we found schools did not include their floor plans, as required. Instead, the DOE's Division of School Facilities (DSF) maintains copies of floor plans and provides them to the NYPD.

We requested the building floor plans for the 25 schools in our sample and found that DSF provided outdated plans for 3 (12 percent), as follows:

- Floor plans for one school were from 1931 and 1969, respectively, and did not reflect major construction completed in December 2017.
- Floor plans for a second school were from 1956 and did not reflect an addition that had been completed in 2013.

- Floor plans for the third school were from May 2014 and did not reflect construction updates that included the relocation of an exit in 2017.

We reviewed floor plans provided directly by officials at the three schools and determined two of the three schools also had outdated plans that did not reflect building updates. As a result, during an incident at one of these schools, the NYPD would not have current plans to prepare a response.

Late Submission of School Safety Plans

The City Regulations require School Safety Plans to be submitted to the DOE Safety Administrator by the third week of September – three weeks after State Law requires plans to be adopted. However, for the school year in our testing with the highest compliance (2018–19), just 4 of 25 schools in our sample submitted their plans to the DOE Safety Administrator by the third week of September, as required. None of the schools in our sample submitted their 2015–16 plans on time. Consequently, schools are using School Safety Plans that may contain outdated information.

Further confusing the issue, the DOE’s Opening Day Packet, provided to all schools, directs them to submit their School Safety Plans to the DOE Safety Administrator by the last weekday in September. While compliance with the Opening Day Packet requirement was better, we still found schools in each of the years we tested that did not submit their School Safety Plans on time (see Table 1).

Table 1 – School Safety Plan Submissions

School Year	Submitted on Time, per City Regulations	Submitted on Time, per Guidance in DOE Opening Day Packet
2018–19	4	18
2017–18	2	18
2016–17	3	24
2015–16	0	11

Recommendations

1. Review and amend the City Regulations to ensure they align and comply with the State Regulations and guidance.
2. Work with the Education Department to develop a process for submitting School Safety Plans to the State Police, as required under both the Law and the State Regulations.

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3. Develop and establish a system to ensure that up-to-date building floor plans are submitted as part of School Safety Plans, as required under the Law and State Regulations.

School Safety Committee Meetings

The School Safety Committee plays an essential role in establishing safety procedures, communicating expectations and responsibilities of students and staff, and designing prevention and intervention strategies and programs specific to the needs of the school. School Safety Committee meetings are a key component of school safety planning, and it is important that they be held as required, with the designated personnel in attendance, and that they cover meaningful topics. However, we found that documentation did not support that meetings were held as required, were well planned, or covered meaningful topics, and available documentation generally showed poor attendance.

Insufficient Meeting Documentation

The City Regulations require School Safety Committees to meet monthly to discuss safety items and to submit documentation of those meetings. According to DOE officials, schools are only required to submit the meeting agendas, not the minutes. Schools upload their meeting agendas through the Office of Safety and Youth Development (OSYD) Portal, where they also fill out a template documenting the name of the school, meeting date, and attendees. Schools may also type their meeting agendas directly into the template and may attach minutes, agendas, sign-in sheets, or other related documents.

We reviewed documentation for monthly School Safety Committee meetings held during the 2015–16 through 2017–18 school years at the 25 schools in our sample, finding that 20 schools either did not submit all agendas, as required, or submitted insufficient agendas that did not identify meaningful safety topics to be discussed. For example, we found agendas that included a single generic bullet such as “no concerns” or “safety issues and concerns.” One school’s agenda did not include any safety items, while another school repeatedly submitted the DOE’s suggested agenda or provided only limited information.

Based on our review, we concluded that the DOE is not sufficiently reviewing the School Safety Committee meeting information it receives. We recommend that the DOE review the School Safety Committee submissions to ensure they meet the objectives of the City Regulations and sufficiently address school safety issues. In addition, we recommend the DOE consider requiring

schools to provide additional information, such as meeting minutes, to support discussions of safety topics that occur at these meetings.

Poor Attendance by School Safety Committee Members

Schools identify who attends the monthly School Safety Committee meetings during the school year (total of ten meetings per year) when the information is entered into the OSYD portal. We reviewed the School Safety Committee meeting attendance lists for 23 of our 25 sampled schools for the 2017–18 school year (the DOE was not able to provide attendance lists for the remaining two schools). We compared the meeting attendees with the School Safety Committee members listed in the School Safety Plans and determined that all 23 schools held at least three meetings with 50 percent or fewer committee members in attendance. In fact, 14 of the 23 schools held all ten of the required meetings in 2017–18 with less than 50 percent of the School Safety Committee members (see Table 2). One school only had 1 or 2 of its 11 members in attendance for nine of the ten required meetings. DOE officials explained that they do not require a minimum number of School Safety Committee members be present at any given safety meeting; however, we question how the committees can accomplish the necessary safety planning work with so few members in attendance.

Table 2 – School Safety Meeting Attendance

Number of Schools	Number of Meetings (out of ten) With 50% or Fewer of Safety Committee Members in Attendance During 2017-18 School Year
14	10
3	9
3	8
1	7
1	6
1	3

Recommendations

4. Require schools to submit School Safety Committee meeting minutes to the DOE to better document safety discussions.
5. Review School Safety Committee meeting information submitted by schools to ensure the meetings take place, as required, and cover meaningful safety information.

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6. Establish a minimum number or percentage of members to be in attendance for each School Safety Committee meeting.

School Safety Plan Implementation

During the audit, we reviewed the School Safety Plans for our 25 sampled schools. We then visited each school to test the accuracy of, and compliance with, aspects of the plans, including whether:

- Plans contained accurate basic information;
- Schools followed the visitor admission process;
- Door alarms were activated;
- Radios were charged and turned on; and
- School Safety Plans were available in hard copy and were securely stored.

We also observed a sample of lockdown and evacuation drills. The results of our testing at the 25 schools are outlined in the following sections.

Inaccurate School Safety Plan Information

We reviewed the School Safety Plans and made observations during site visits to determine whether basic information, such as the school address, phone numbers, required personnel, primary and alternate exits, and relocation sites, was listed and accurate. We found issues and inconsistencies at 18 of the 25 schools in our sample, identifying, for example, incorrect phone numbers, missing School Safety Committee members, and the same primary and alternate emergency exits for some rooms. We reported the entire list of issues identified during our testing to DOE officials in our preliminary findings. To maintain confidentiality, that list is not included in this report.

We also identified particularly significant issues at two sampled schools. One School Safety Plan included an incorrect main phone number for the school and incorrectly listed key personnel such as nurses, a principal, and an assistant principal who no longer worked there. The assistant principal listed had not been at the school for at least four years. At another school, the 2017–18 summer School Safety Plan only identified one relocation site, despite the requirement that three be listed. In the event of an issue with the primary relocation site during an emergency, students and school personnel would have had no alternative readily available.

The issues we identified in the School Safety Plans are concerning, and we believe the DOE Safety Administrator should have identified these omissions and inconsistencies while reviewing the plans.

Visitor Admission Process Not Being Followed

The DOE's School Safety Plan template establishes a uniform visitor admission process requiring all visitors to sign in at the school's front desk and to obtain a visitor's pass. When visitors leave the building, they are required to return the pass to the School Safety Agent (SSA), who records the visitor's departure time. Twelve of the 25 schools we visited did not issue us visitor's passes. Further, at four other schools that did issue us passes, SSAs did not collect them or appear to record the time we left the building. SSA officials at one of the schools we visited required only one of the three auditors to sign in and provide identification. In case of an emergency – for the safety of the students and visitors themselves – any SSA should be able to consult the log to identify any visitors in the building.

Exit Alarms Not Armed

The DOE's School Safety Plan template includes a section for schools to identify the number of alarmed exit doors in their buildings. We tested at least one exit door identified as having an alarm at each of the 25 sampled schools to verify they were armed and working, finding that 6 of the 25 sampled schools had at least one alarmed exit door that was not armed. In response to our observations, school officials armed and retested the doors we identified. Upon retest, we determined all the doors had working alarms; however, they were not armed during our initial test. DOE officials pointed out that Avonte's Law, passed in 2014, which addresses school door alarms at City schools, does not cover when alarms should be armed. However, according to DOE officials, the primary purpose of door alarms is to identify when a student has left the building inappropriately. To ensure the door alarms are fulfilling their intended purpose, we recommend they be armed during school hours, between student arrival and dismissal.

Radios Not Charged, Working, or Turned On

According to the DOE's School Safety Plan template, radios should be available at each school's command center. They allow floor wardens, searchers, and Building Response Team (BRT) members – individuals designated to assist in responding to a violent incident or emergency – to communicate with the school's command center and one another. Radios can also be used to quickly report the location of an activated door alarm, enabling other staff to respond quickly. At 7 of 25 sampled schools, we found

radios that were not charged, working, or turned on; or personnel assigned to the radios who did not respond when we tried to contact them.

The DOE provides basic guidance on radios, reminding users that they are for emergency communications only. That guidance does not address who should have radios or when they should be turned on. DOE officials cited practical hurdles to issuing a one-size-fits-all policy; however, the DOE should issue additional guidance so all radio users have a basic, uniform understanding of how to use them.

Improper Security of School Safety Plans

Under both the Law and State Regulations, School Safety Plans are confidential documents that should only be disclosed to authorized personnel. The City Regulations state that a physical copy of the School Safety Plan should be maintained by each principal in a secured location at each school. The DOE explained that, ideally, the plan should be kept in a locked cabinet in the principal's office, but that any locked room would suffice. We found that, for 7 of the 25 sampled schools, the principals did not have a hard copy available. At one of these schools, the principal stated that the school did not keep a physical copy of the School Safety Plan and, instead, he and the other members of the school's BRT kept electronic copies. However, when we sought to view the plan, the electronic file could not be located. It is important for schools to have physical copies of their School Safety Plans in case the principal is not on site or in the event of a power outage. This also allows the plans to be accessed and shared with other agencies during an emergency.

Additionally, we observed plans:

- Stapled to the wall of an assistant principal's outer office conference space;
- On the desk of a school aide in the school's main office;
- In assistant principals' offices; and
- With a custodian.

DOE officials suggested that auditors may have observed "partial plans," which may not contain all the confidential information typically included in a School Safety Plan. However, the DOE did not provide evidence to support this assertion. We considered the documents we observed to be the full plans and had no reason to assess their content because there is no language in the Law, State, or City Regulations that describes or allows for partial plans. Moreover, the existence of multiple versions of the plans increases the risk

that all versions may not be updated consistently, leaving users with different information. Further, this also increases the risk of confidential information getting into the wrong hands. According to the Law and State Regulations, School Safety Plans are confidential and should be treated as described in the City Regulations.

Recommendations

7. Ensure that the DOE's review of School Safety Plans addresses accuracy and completeness (e.g., correct phone numbers, required number of alternate exits).
8. Remind SSAs to follow the standardized visitor admission process outlined in the School Safety Plans.
9. Develop a policy regarding when door alarms should be armed to ensure they fulfill their intended purpose of identifying when students leave the building during school hours.
10. Develop and implement guidance regarding the use of emergency radios.
11. Remind principals of the proper storage of School Safety Plans as outlined in the City Regulations.

District-Wide Safety Planning

The Law and State Regulations prescribe certain information that must be included in each District Plan, including policies for responding to threats or acts of violence, procedures for conducting drills to test components of the emergency response plan, and policies for contacting parents in the event of violent threats or incidents. Additionally, the Law and State Regulations outline who is required to be included on the District Safety Team and the required members of the District's Emergency Response Team. We reviewed the DOE's District Plan as well as the members of its District Safety Team and District Emergency Response Team and found instances of non-compliance with the Law and State Regulations.

Missing Information in the District Plan

The Law and State Regulations require District Plans to contain protocols for responding to incidents such as bomb threats, hostage situations, intrusions, and kidnappings, as well as procedures for conducting drills in coordination with local and county emergency responders to test components of the District Plan. District Plans must also describe duties for school safety

personnel and procedures for screening, hiring, and training those personnel. We reviewed the DOE's District Plan, comparing it to the Law and State Regulations, and found it was missing information, namely:

- Procedures to test drills in coordination with local/county emergency responders/preparedness officials;
- Policies and procedures for responding to implied or direct threats of violence by visitors to the school;
- A description of school safety personnel duties, as well as the hiring and screening process for, and the training required of, all personnel acting in a school security capacity; and
- Policies and procedures for annual multi-hazard school safety training for staff and students.

When we brought the missing information to the DOE's attention, officials responded that most of these policies and procedures could be found in the City Regulations or other publications, such as the General Response Protocols (GRP) or the DOE's Opening Day Packet. Upon review of these additional documents, we identified only the policies and procedures for the annual multi-hazard school safety training for staff and students in the Opening Day Packet. In addition, the DOE pointed out that the GRP outlines three standard responses – evacuation, shelter in place, or lockdown – that schools would employ, depending on the type of emergency or incident, including threats of violence. We recommend the DOE incorporate and reference the GRP in its District Plan to satisfy the Law's requirements.

The DOE also explained that its schools do not hire school safety personnel in the traditional sense. Rather, in City schools, the primary school safety personnel are SSAs, hired and trained by the NYPD using its own criteria. However, if this is the case, the DOE should explain that in its District Plan. We also recommend the DOE include information on how it tests drills in coordination with local and county emergency responders and other preparedness officials to satisfy the Law's District Plan requirements.

Other District-Wide Planning Deficiencies

According to the Law and State Regulations, the DOE's Chancellor is responsible for appointing a District Safety Team, which includes stakeholders such as school board and parent, teacher, and administrator organization representatives and school safety personnel. We found the DOE's District Safety Team did not have a representative from the school board. DOE officials asserted that some of the required representatives were missing

because its school district is “different” from the rest of the State and is represented by many officials from the different DOE divisions and offices that reflect the entire district.

State Regulations allow school districts with more than 1 million people to create a District Emergency Response Team with participants from the school level, instead of having a unique Emergency Response Team for each school. The District Emergency Response Team is responsible for assisting schools in responding to violent incidents or emergencies and must include representatives such as school and district personnel; law enforcement and fire officials; and representatives from local, regional, and State emergency response agencies. We found the District Emergency Response Team did not include fire officials, as required. DOE officials explained that the Fire Department of the City of New York (FDNY) is heavily involved in many aspects of their school safety work, both directly and through New York City Emergency Management, which is responsible for coordinating city-wide emergency planning and response actions. Still, we question why there is no FDNY representative on the DOE’s Emergency Response Team if the FDNY is directly involved, as indicated by the DOE. Further, regardless of the FDNY’s other involvement with the DOE, fire officials are still required to be part of the District’s Emergency Response Team, according to State Regulations.

Annual District Plan Hearings Not Being Held

Law and State Regulations require school districts to ensure that their District Plans are regularly reviewed and updated, as necessary. Additional guidance from the Education Department states that the District Plans must be made available for a 30-day comment period and that the DOE must hold a public hearing each year.

We determined the DOE does not make its District Plan available for public comment or hold the required public hearings. DOE officials noted that they only hold public meetings when there are substantive changes to the District Plan. DOE officials claimed there had been no such changes during our scope period, so they did not hold any hearings. For example, for the 2018–19 school year, DOE officials included additional links to items such as the revised and enhanced parent version of the School Safety Plan, the GRP, and a summary of parent reunification protocols. Because the DOE considered these to be minor updates, they did not hold a public hearing.

We found the Law does not specifically reference annual public hearings on amendments to District Plans. However, guidance in the Education Department’s *Quick Guide to Emergency Response Planning* does state

District Plans must have at least one annual public hearing and a 30-day public comment period.

Recommendations

12. Incorporate the GRP into the District Plans and include information on how they test drills in coordination with local and county emergency responders and other preparedness officials.
13. Update the list of District Safety Team members to include a school board representative, as required.
14. Update the list of District Emergency Response Team members to include an official from the FDNY, as required.
15. Comply with Education Department guidance and:
 - Make the District Plan available for a 30-day public comment period; and
 - Hold at least one annual public hearing on the District Plan.

Other School Safety Requirements: Evacuation/ Lockdown Drills

The DOE's School Safety Plan template references the number and type of emergency drills (evacuation and lockdown) that schools must conduct. Section 807 of the Education Law further details the requirements for these drills. Specifically, for the 2015–16 school year, schools were required to conduct 12 fire (evacuation) drills, with 8 to be completed by December 1. Starting with the 2016–17 school year, schools must also include 4 lockdown drills within the 12 drills, and 8 drills must now be completed by December 31. Additionally, the DOE's Opening Day Packet requires, starting with the 2016–17 school year, a lockdown drill by October 31 and another between February 1 and March 14. The final two lockdown drills can be conducted at the school's discretion.

We reviewed data collected by the DOE related to the number and dates of drills conducted by schools and determined that, for 5 of the 25 schools, the evidence available did not support that they conducted the minimum number of either evacuation or lockdown drills. According to the data, two schools did not meet either requirement. We also identified three schools in the 2016–17 school year that did not conduct the drills within the required time frames. According to DOE officials, their Bureau of Compliance has procedures for monitoring drills throughout the school year and for following up with schools

that are at risk of not meeting or do not meet compliance standards. However, based on our results, we conclude the DOE should review its procedures for monitoring schools' completion of required drills.

Recommendation

16. Review the Bureau of Compliance procedures for monitoring emergency drills to ensure that all drills required by law are completed within the required time frames.

Additional Concerns

No Requirement for Shelter-In-Place Drills

Schools are required to conduct a specific number of emergency drills (evacuation and lockdown) and to test components of their School Safety Plans each year, but are not required to conduct shelter-in-place drills. During a shelter-in-place event, teachers ensure that the halls are clear of students and that exit doors are secured (so no one leaves or enters the school), and BRT members report to the school's command post, where they are assigned to monitor different parts of the school and report on any issues or coordinate with first responders as necessary. During the 2015–16, 2016–17, and 2017–18 school years, the DOE reported 219 school lockdowns. By comparison, the DOE reported 684 actual instances in which students and staff had to shelter in place – more than three times the number of lockdowns. The DOE correctly points out that shelter-in-place drills are not required anywhere in the State. However, given the increased likelihood of an incident that will result in a shelter-in-place situation, the DOE has an opportunity to take a leadership role by requiring its schools to conduct these types of drills to further ensure students, staff, and BRT members know how to respond during such incidents.

District Plan Format Improvements

We reviewed the DOE's District Plan and concluded that its current format could be improved. We believe that appending the City Regulations and other related documents directly to the District Plan would add much-needed depth to the document, which, in its current form, is just five pages with 17 hyperlinks to other relevant information. It would be in the best interest of the DOE, parents, and the general public to have all required components of the District Plan in one comprehensive document. During our audit, we identified links provided by the DOE related to the District Plan that did not work. It is not clear how long the links had not worked and if or when the

DOE would have identified them had we not conducted this audit. Though the DOE has since fixed the links, the problem highlights the risks of maintaining links to external documents over time. Updating the District Plan to make it a comprehensive document would reduce the potential for incorrect or broken links that would prevent full access to District Plan information. According to the DOE, the District Plan has not changed much since its implementation. Because frequent updates are not needed, there is no reason all necessary components should not be included in a single document for easy access.

Building Response Team Members No Longer Working at Schools

BRT members and floor wardens assist in responding to violent incidents or emergencies. Therefore, staff listed as filling these positions in the School Safety Plans should be actual school personnel. We compared the BRT members and floor wardens in the 2017–18 and 2018–19 School Safety Plans with DOE employee data to verify that the staff listed in the plans were actual school personnel during those years and found 3 of our 25 sampled schools (12 percent) listed a total of four staff as BRT members or floor wardens who were no longer at the schools.

Recommendations

- 17.** Update the District Safety Plan format to make it a comprehensive document that includes all the required information.
- 18.** Require schools to conduct shelter-in-place drills as part of their School Safety Plan testing.
- 19.** Take steps to ensure that key personnel who are designated as BRT members and floor wardens actually work at the school.

Audit Scope, Objective, and Methodology

The objective of our audit was to determine whether the DOE complies with the school safety requirements in the SAVE Act. Our audit covered the period July 1, 2015 through February 15, 2019.

To accomplish our objective and assess relevant internal controls, we met with officials from the DOE and reviewed the Law, State and City Regulations, and Education Department guidance related to school safety planning. We selected a judgmental sample of 25 schools based on factors such as grade level (elementary, middle, and high schools), enrollment size, borough, disabled students served, offering of a summer program, and recent construction. Because this is a judgmental sample, the results cannot be projected to the population as a whole. We reviewed School Safety Plans and met with officials for each of the schools in our sample. We also tested the accuracy of, and compliance with, certain aspects of their plans such as whether: plans contained basic information, schools followed the visitor admission process, door alarms were activated, radios were charged and turned on, and School Safety Plans were stored in a secured location. We also reviewed DOE data to assess whether schools were conducting the required lockdown and evacuation drills. In addition, we reviewed and analyzed various DOE data to assess: the number of School Safety Committee meetings held and the number of attendees at those meetings; the number of evacuation, shelter-in-place, and lockdown incidents reported by City schools; and whether schools submitted their School Safety Plans within the required time frames.

Statutory Requirements

Authority

This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article III of the General Municipal Law.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

As is our practice, we notify agency officials at the outset of each audit that we will be requesting a representation letter in which agency management provides assurances, to the best of their knowledge, concerning the relevance, accuracy, and competence of the information provided to the auditors during the course of the audit. The representation letter is intended to confirm representations made to the auditors and to reduce the likelihood of misunderstandings. Agency officials normally use the representation letters to affirm that, to the best of their knowledge, all relevant financial and programmatic records and related data have been provided to the auditors. They further affirm either that the agency has complied with all laws, rules, and regulations applicable to its operations that would have a significant effect on the operating practices being audited or that any exceptions have been disclosed to the auditors. However, officials at the New York City Mayor's Office of Operations have informed us that, as a matter of policy, mayoral agency officials will not provide representation letters in connection with our audits. As a result, we lack assurances from DOE officials that all relevant information was provided to us during the audit.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions, and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

Reporting Requirements

We provided a draft copy of this report to DOE officials for their review and formal comment. Their comments were considered in preparing this final report and are attached to it. In their response, DOE officials generally agreed with our recommendations and indicated they will take steps to address them. Our responses to certain DOE comments are included in the report's State Comptroller's Comments.

Within 90 days of the final release of this report, we request that the Chancellor of the New York City Department of Education report to the State Comptroller, advising what steps were taken to implement the recommendations contained herein, and where the recommendations were not implemented, the reasons why.

Agency Comments



May 13, 2019

Mr. Thomas P. DiNapoli, State Comptroller
Office of the New York State Comptroller
Division of State Government Accountability
110 State Street, 11th floor
Albany, NY 12236

Re: New York City Department of Education's Compliance with School Safety Planning Requirements - Report 2018-N-2

Dear Comptroller DiNapoli,

This letter serves as the formal response of the New York City Department of Education (Department) to the recommendations made by the Office of the State Comptroller (Comptroller) in its draft audit report on the Department's Compliance with School Safety Planning Requirements (Report) in which 25 of our schools were sampled.

We share your commitment to ensuring that our schools are safe and supportive learning environments for our students and staff and appreciate your attention on this very important matter. The feedback and recommendations presented will help inform our practices to support our system of over 1,800 schools. We will continue to work closely with the New York State Education Department (NYSED) and the New York Police Department (NYPD) to prioritize the safety and security of our students and staff on a daily basis.

School safety planning takes place year-round, and does not begin or end once the Emergency Response Plans (also known as Building Safety Plans) have been submitted. We continue to hold various emergency readiness trainings for school administration and staff throughout the year, including tabletop exercises and task force meetings. Our Borough Safety Directors also work with our schools on a daily basis to ensure all staff are trained and have the resources they need to appropriately prevent, respond to, and address any incident that may occur. Our protocols exceed what is required by NYSED's Safe Schools Against Violence in Education (SAVE) Act and State Education Law. However, we are constantly reviewing our protocols and in light of your recommendations, we intend to conduct a thorough review of Department practices to ensure we remain in compliance and expand upon our existing work to provide safe and supportive learning environments for our students and staff.

The Department is committed to ensuring that its policies, practices, and procedures comply with NY Laws and Regulations. Chancellor's Regulations have been adopted and updated to reflect the guidance established by State Education Law regarding safety teams and the completion of Building Safety Plans. The Department has exceeded the requirements of NYSED's SAVE Act by creating a centralized system to capture Building Safety Plans, committee meetings, and drills. This allows the Department to monitor and hold schools accountable for compliance with these regulations. This system allows for a safety plan creation, review, and approval process that involves teams at each school building, responders from field offices within the Department (*i.e.*, Borough Safety Directors) and the NYPD. The Department also has a unique connection with the NYPD, which serves as the first responder to school emergency: NYPD-employed School Safety Agents are stationed inside of school

[* Comment 1](#)

buildings, and local NYPD precincts also have relationships and familiarity with their neighborhood schools. In New York City, every school safety plan is reviewed and must be certified by the NYPD; if any items conflict with their approval process, schools must make adjustments and resubmit for certification. We are the only district in the State that engages its first-response community in this way. The Department also includes elements in Building Safety Plans that are not required by SAVE or Chancellor Regulation's A-414 such as the number of door alarms and cameras installed, and how radios are to be used for communication during times when the public address system is not working or when the building has lost power.

While the Department understands the findings by the audit team, we would like to draw attention to one area of the Comptroller's audit that conflict with guidance from other entities. First, the Department is open to reconsidering its stance on the submission of Safety Plans to NYSED and the State Police, and is open to collaborating with both entities to reconcile conflicting guidance. In your draft Report, you indicate, "DOE officials stated they are not required to submit plans to the State Police or provide certain information about each school, including transportation plans. We disagree with the DOE's interpretation and found no evidence of any amendments to the Law or State Regulations that exclude the DOE from fulfilling these requirements" (pg. 11). While the Department recognizes established State Regulations and guidance, we would like to note that both NYSED and the NY State Police (NYS Police) have confirmed that neither agency collects Building Safety Plans from NYC Public Schools. In line with that, since 2017, State guidance related to submission of plans has specifically been addressed to schools outside of NYC (See NYSED's June 5, 2017 memo¹ announcing the availability of the new automated portal for submitting 2017-2018 school year building-level emergency response plans). Again, the Department is open to reconsidering its stance on the submission of Safety Plans to NYSED and the State Police.

* [Comment 2](#)

In summary, the safety and security of our students and staff is of the utmost importance and is a top priority for the Department. In working closely with school leaders throughout our district, as well as our first response community, we have developed systems and protocols that are consistent with State Law and Federal recommendations, as well as some procedures that go beyond state mandates. We regularly assess our systems for effectiveness and make revisions where necessary. Our training initiatives are based on State and Local Regulations, as well as the needs of our diverse learning communities. We required schools to conduct lockdown drills prior to it becoming a requirement under state law. Our Building Response Teams (BRTs) provide school communities with the necessary incident support required during an emergency, and are designed to support the response efforts of all first responders as required by the State and Federal Emergency Management Agency (Incident Command Systems). The design and implementation of our General Response Protocols allow for school communities and the first responders serving the entire city, the ability to take immediate action and address an emergency incident safely, allowing the NYPD and FDNY to assume control when they arrive. The School Safety Agents of the NYPD, who are assigned to all school buildings, are trained in these protocols and work closely with the BRT and school administrators. Over the last seven years, the Department has offered multiple opportunities for school leaders to train alongside members of the NYPD and School Safety Division.

The Department is dedicated to continuing to strengthen our processes. There are always opportunities for us to improve our existing safety policies and practices. We thank the Comptroller for your attention to this matter and we look forward to working with NYSED and other key stakeholders to continue strengthening our school environments to ensure the safety and well-being of our students and staff.

Following is the Department's response to the Comptroller's audit recommendations to the DOE:

¹ The June 5, 2017 memo states: "Submitting building-level ERPs via the online application will fulfill the requirement to submit the plan to the State Police... Transitioning to an automated application allows for efficient distribution of school building-level ERPs to State Police statewide."

Recommendation 1. *Review and amend the City Regulations to ensure they align and comply with the State Regulations and guidance.*

Response. The annual due dates for the completion and submission of Building Safety Plans best meet the needs of our school communities, and keep our buildings safe. They are determined with consideration of the start date of the school year, school closures based on holidays, and affording over 1,300 school buildings adequate time to finalize staffing vacancies, many of which may also result in changes to the Building Safety Plan. This must be considered when our district conducts responsible safety planning for each school community. In regards to the deadlines established by NYSED, the Department will take this recommendation under advisement. However, this recommendation will be difficult to mandate since our schools do not open and pedagogical staff, who undoubtedly must be part of the safety team, do not return until after Labor Day, per their contract.

[* Comment 3](#)

Recommendation 2. *Work with the Education Department to develop a process for submitting School Safety Plans to the State Police, as required under both the Law and the State Regulations.*

Response. The Department will take this recommendation under advisement and we will consult with the New York State Education Department, New York State Police, and the New York Policy Department on this matter.

[* Comment 4](#)

Recommendation 3. *Develop and establish a system to ensure that up-to-date building floor plans are submitted as part of School Safety Plans, as required under the Law and State Regulations.*

Response. The Department agrees with this recommendation. The Department's Office of Safety and Youth Development (OSYD) and Division of School Facilities are working closely with the School Construction Authority to ensure that all building floor plans are current in the context of School Safety Plans. The Department will continue to provide the NYPD and the Fire Department of New York (FDNY) with a complete set of floor plans for all buildings annually and will provide schools with additional guidance on the most effective way to maintain secure, current floor plans that are accessible with each Building Safety Plan. For buildings that undergo major construction projects, we will prioritize obtaining updated floor plans and ensure they are shared timely with our first responder community.

Recommendation 4. *Require schools to submit School Safety Committee meeting minutes to the DOE to better document safety discussions.*

Response. The Department will take this recommendation under advisement. The safety team is responsible for reviewing the safety plan annually. New York City's Chancellor's Regulation A-414 takes this a step further by requiring that the team meet monthly, at least one of those meetings be open to the school community (i.e., Town Hall meeting), and that meetings be documented in the Committee Meeting module on the online OSYD Portal. This tool allows schools to add the date the meeting was held, time of the meeting, location of the meeting, attendees, and agenda items for each meeting which again goes beyond what is required by SAVE or Chancellor's Regulation A-414. The functionality to include minutes is available in the Committee Meeting module on the OSYD Portal. This information is reviewed by Borough Safety Directors and the Office of Compliance Services monthly. Additional guidance can only strengthen existing practices and protocols.

Recommendation 5. *Review School Safety Committee meeting information submitted by schools to ensure the meetings take place, as required, and cover meaningful safety information.*

Response. The Department agrees with this recommendation in so much as it constitutes current practice. Borough Safety Directors and the Office of Compliance Services monitor committee meeting documentation as

3

required under Chancellor's Regulation A-414. The Department will brief these individuals on the concerns raised in the Report to ensure fidelity of implementation and to address any outstanding issues. Every building has a unique set of challenges that must be addressed at each meeting and this content is relevant, meaningful, and actionable to each school community. Further, school principals are held accountable with their compliance with this regulation as part of the Compliance Checklist. We will continue to monitor internal protocols to ensure practices and procedures are being followed and we will provide additional guidance to schools to ensure compliance as needed.

Recommendation 6. *Establish a minimum number or percentage of members to be in attendance for each School Safety Committee meeting.*

Response. The Department will take this recommendation and will provide additional guidance to schools in this area.

Recommendation 7. *Ensure that the DOE's review of School Safety Plans addresses accuracy and completeness (e. g., correct phone numbers, required number of alternate exits).*

Response. The Department agrees with this recommendation. We acknowledge that during the audit, the Comptroller identified safety plans with out of date information and we will continue to work closely with school leaders to highlight sections of their Building Safety Plans that must be reviewed and revised annually and/or when changes occur that impact the plan. We plan to send additional guidance and reminders on this important topic before the start of next school year.

Recommendation 8. *Remind SSAs to follow the standardized visitor admission process outlined in the School Safety Plans.*

Response. The Department agrees with this recommendation. The Department will work with the NYPD to ensure that School Safety Agents follow protocol and consistently implement visitor control procedures across the city.

Recommendation 9. *Develop a policy regarding when door alarms should be armed to ensure they fulfill their intended purpose of identifying when students leave the building during school hours.*

Response. The Department agrees with this recommendation in so much as it constitutes current practice. We will continue to monitor internal protocols to ensure practices and procedures are being followed appropriately. Door alarms were introduced by the City Council under Avonte's Law to deter the unauthorized departure of elementary and D75 school students, "where the installation of door alarms has been deemed to be an appropriate safety measure." With the installation of doors alarms, OSYD's Borough Safety Directors provided training on the use of door alarms to each of their school communities. In addition, OSYD published the Missing Student Protocol and Responding to Door Alarms guidance, also included in the Building Safety Plan, to highlight best practices around the use of door alarms and how schools need to respond when a student leaves the building unauthorized. Lastly, our Visitor Control Procedures require that doors at the main entrance, which are monitored full-time, be open and unlocked.

Recommendation 10. *Develop and implement guidance regarding the use of emergency radios.*

Response. The Department agrees with this recommendation, and many of our schools already make use of this technology. While the use of emergency radios is not a requirement established by State Law or SAVE Legislation, the Department understands the importance of the use of radios in various emergency situations.

* [Comment 5](#)

The Department will work on expanding its guidance regarding the use of radios as appropriate and ensure that this guidance is shared with every school community.

Recommendation 11. *Remind principals of the proper storage of School Safety Plans as outlined in the City Regulations.*

Response. The Department agrees with this recommendation. The Department will remind schools of their obligation to keep Building Safety Plans confidential and readily available in the case of an emergency to share with first responders. The Department will share these obligations with school principals at the summer Emergency Readiness training and through targeted communications.

Recommendation 12. *Incorporate the GRP into the District Plans and include information on how they test drills in coordination with local and county emergency responders and other preparedness officials.*

Response. The Department partially agrees with this recommendation. The Department will review the District Plan and add additional content as required and necessary. However, since the district plan is a public-facing document, the Department will not reveal best practices or any specific information regarding how the Department and the first response community tests drills, because revealing such information may place a school community at greater risk of danger by persons who wish to cause harm within a school building.

[* Comment 6](#)

Recommendation 13. *Update the list of District Safety Team members to include a school board representative, as required.*

Response. The Department will take this recommendation under advisement. The Department will work with the NYSED to ensure that our District Safety Team includes all the appropriate members so that all stakeholders are represented.

Recommendation 14. *Update the list of District Emergency Response Team members to include an official from the FDNY, as required.*

Response. The Department will take this recommendation under advisement. While a fire official is not a required member of the District-Wide Safety Team, but rather the Building team, the Department works closely with the FDNY to ensure that schools are in compliance with fire safety and regulations. As this is already standard practice, the Department will add a fire official to the District Team as well.

[* Comment 7](#)

Recommendation 15. *Comply with Education Department guidance and:*

- a. *Make the District Plan available for a 30 day public comment period; and*
- b. *Hold at least one annual public hearing on the District Plan.*

Response. The Department agrees with this recommendation. The Department will make the District Plan available for a 30-day public comment period; and hold at least one annual public meeting on the District Plan moving forward to ensure that these recommendations are implemented as required.

Recommendation 16. *Review the Bureau of Compliance procedures for monitoring emergency drills to ensure that all drills required by law are completed within the required time frames.*

Response. The Department agrees with this recommendation in so much as it constitutes current practice. We will conduct a review of our internal reporting practices to identify areas for improvement as outlined in the Report.

Recommendation 17. *Update the District Safety Plan format to make it a comprehensive document that includes all the required information.*

Response. The Department will take this recommendation under advisement. Although the current format provides access to the required content through links on the page, the Department will explore options to ensure that all content is more easily accessible and reflects all required information.

Recommendation 18. *Require schools to conduct shelter-in-place drills as part of their School Safety Plan testing.*

Response. The Department will take this recommendation under advisement. Schools are mandated to conduct 12 emergency drills annually, per the State's requirement. While these drills assess evacuation and lockdown preparation, students are already exposed to the expectations of shelter-in drills while participating in the four annual lockdown drills, the only difference being that with shelter-in drills, schools operate under 'business as usual' since the identified threat is outside of the building. It is our current position that students are appropriately trained in shelter-in protocols through our existing emergency drills. Schools receive extensive guidance in this area and school communities are trained in General Response Protocols which includes shelter-in.

* [Comment 8](#)

Recommendation 19. *Take steps to ensure that key personnel who are designated as BRT members and floor wardens actually work at the school.*

Response. The Department agrees with this recommendation in so much as it constitutes current practice. The Department will continue to work with school leaders to ensure that staff members who are listed in these roles are employed at the school. The Department will share additional guidance with principals during the summer Emergency Readiness trainings and through P-Weekly, reminding them of their obligations to update staff annually in their Safety Plan to reflect staff who are currently working in the building. The Department will explore systematic options for helping schools to identify staff who may no longer be actively employed at the school.

Again, we thank the Comptroller for your attention to this matter and we look forward to working with NYSED and other key stakeholders to continue strengthening our school environments to ensure the safety and well-being of our students and staff.

Sincerely,



LaShawn Robinson
Deputy Chancellor
NYCDOE Division of School Climate and Wellness

State Comptroller's Comments

1. We applaud the DOE's creation of a centralized system to capture School Safety Plans. We encourage the DOE to work with the Education Department and the State Police to ensure the State Police receives those plans as required under the Law and State Regulations.
2. During the audit, we reviewed the June 5, 2017 memo cited by the DOE in its response. We also consulted the Education Department's legal counsel regarding whether the DOE was, in fact, not required to submit School Safety Plans to the State Police. As a result, we maintain our position, and disagree that the Education Department's communications constitute an exemption for the DOE from the Law's requirement to submit School Safety Plans to the State Police.
3. We recognize the DOE has developed its own timeline for collecting and reviewing School Safety Plans in its City Regulations. However, as described in our report, this timeline does not allow the DOE to meet the time frames required under the State Regulations. Therefore, we maintain that the DOE should review its City Regulations for alignment and compliance with the State Regulations and guidance.
4. We are pleased the DOE will be taking this recommendation under advisement. See Note 2.
5. As the DOE points out in its response, Avonte's Law addresses the installation of door alarms; however, it does not address when those alarms should be armed. In addition, OSYD's Missing Student Protocols and Responding to Door Alarms guidance also does not address when alarms should be armed. We maintain our position that the DOE should develop a policy addressing when door alarms should be armed.
6. General GRP information is already available on the Internet, and we maintain our position that they should be included in the District Plan to fulfill the requirements under the Law and State Regulations. Also, we recognize the sensitivity surrounding first response drills at schools. However, the DOE should continue to work to provide information in its District Plan at a level that fulfills the requirements under the Law and State Regulations while protecting specific techniques or strategies.
7. Our report states that the DOE's District Emergency Response Team (not the District-Wide Safety Team) did not include a fire official. According to the State Regulations, fire officials must be included as part of the District Emergency Response Team.
8. Shelter in place and lockdown are two different emergency responses. Students, staff, and BRT members should train on how to respond quickly to each set of commands given during an actual emergency.

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