



David Sears
Director, Office of Audit Services
Tel. (518) 473-4516
E-mail: David.Sears@nysed.gov

July 12, 2019

Hon. Thomas P. DiNapoli
New York State Comptroller
110 State Street, 15th Floor
Albany, NY 12236

Re: Oversight of School Safety Planning Requirements Report 2018-S-34

Dear Comptroller DiNapoli:

The following is the New York State Education Department's (Department) 90-day response to the Office of the State Comptroller (OSC) final audit Report 2018-S-34: State Education Department: Oversight of School Safety Planning Requirements¹ issued on April 8, 2019.

As was noted in the audit report, the Department lacks resources to provide technical assistance to schools in this area, however in September 2018, the Department applied for and was awarded a five-year grant from the United States Department of Education to improve the capacity of the Department to provide guidance and technical assistance to schools and districts related to school safety planning.² In addition to adding capacity within the Department by adding a full-time additional staff person, the funds will be used to provide statewide training to assist districts in developing comprehensive building-level emergency response plans. Staff hired to conduct training will also be utilized to review a sample of plans and provide recommendations to schools for improvement. Consideration is also being given to training BOCES staff to review plans of BOCES' component districts.

Since the report was issued, the Department has taken the following steps to address the audit recommendations:

Recommendation 1

Develop a program to monitor School Districts' compliance with the school safety planning requirements outlined in the Law, Regulations, and Department guidance.

¹ <https://osc.state.ny.us/audits/allaudits/093019/18s34.htm>

² <https://www2.ed.gov/programs/schlemergmt-sea/2018awards.html>

90 Day Response: Since the audit report was issued in April 2019, the Department contacted districts to ensure that the link provided to a district-wide safety plan is a functioning link.

To further address this recommendation, beginning with the 2019-20 school year, the Department will collect the information listed below from districts, charter schools, and BOCES. The Department will require this information be submitted by October 1, 2019 and each subsequent October 1 thereafter.

- The date and summary description of annual school safety training provided to staff to comply with Education Law §2801-a and Commissioner's Regulation §155.17.*
- The name of local law enforcement agency the school filed their building-level emergency response plan with, and the date it was filed.*
- The URL of the district-wide safety plan.*

Recommendation 2

Reconcile the timing differences between the District Plan reporting process implemented by the Department and the reporting time frames established in the Law and Regulations.

90 Day Response: As described above, beginning with the 2019-20 school year, the URL for the district-wide plan will be collected via a new collection that meets the time frame established by the amendment to Commissioner's Regulation 155.17.

Recommendation 3

Inform School Districts that they are required to report to the Department when the activation of a Building Plan results in a school building closure.

Response: The Department will disseminate guidance to school districts in summer 2019 to remind them of this obligation under Section 155.17(f) of the Commissioner's Regulations. Specifically, the regulation requires that all superintendents notify the Department as soon as possible when the activation of a building plan results in a school building closure through the district superintendent of their board of cooperative educational services (BOCES) who will notify the Department. The Big 5 districts (NYC, Rochester, Yonkers, Syracuse and Buffalo) must notify the Department directly when the activation of a building plan results in a school building closure.

In addition, the department will develop an electronic process and form to collect this information from BOCES district superintendents and superintendents of Big 5 school districts on an ongoing basis beginning with the 2019-20 school year.

Recommendation 4

Clarify Department expectations for compliance with requirements under the Law, Regulations, and Department guidance including, but not limited to, expectations for annual public comment periods, public hearings, plan adoptions, and training requirements.

Response: The Department will disseminate additional guidance to school districts in summer 2019 regarding regulatory and statutory requirements and best practices regarding Board adoption of plans, annual public comment periods, public hearings, and training requirements.

Recommendation 5

Prepare and submit the required annual reports to the Governor and the Legislature

Response: The Department anticipates that staff hired with the grant funds noted above will prepare the annual report to the Governor and the Legislature related to implementation and compliance with Education Law §2801-a.

If you have any questions regarding this response, please contact Kathleen R. DeCataldo, Assistant Commissioner, Office of Student Support Services at 518-473-2890.

Sincerely,



David Sears
Director, Office of Audit Services