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OFFICE OF THE STATE COMPTROLLER

January 13, 2021

Dr. Betty A. Rosa  
Interim Commissioner  
State Education Department  
State Education Building  
89 Washington Avenue  
Albany, NY 12234

Re: Oversight of School Safety Planning  
Requirements  
Report 2020-F-17

Dear Dr. Rosa:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the State Education Department (Department) to implement the recommendations contained in our audit report, *Oversight of School Safety Planning Requirements* (Report [2018-S-34](#)), issued on April 8, 2019.

**Background, Scope, and Objective**

In New York, schools are required to develop and regularly review safety plans as part of the Safe Schools Against Violence in Education (SAVE) Act. Enacted in July 2000, the SAVE Act aims to improve the learning environment in New York's schools by preventing school violence and increasing the safety of students and teachers in school settings. Among its key provisions, the SAVE Act requires school districts to establish a code of conduct, mandates training and instruction for preventing and responding to incidents of school violence, and establishes a uniform system for reporting violent incidents.

Further, the SAVE Act requires schools and districts to be prepared to respond to incidents when they occur. Specifically, part of the SAVE Act added Section 2801-a of the Education Law (Law) requiring public school districts, charter schools, and Boards of Cooperative Educational Services (BOCES) programs (herein collectively referred to as School Districts) to develop comprehensive district-wide safety plans (District Plans) and building level emergency response plans (Building Plans). Section 155.17 of the Regulations of the Commissioner of Education (Regulations) was developed to provide additional guidance and details on school safety planning requirements.

The Law and Regulations outline the general requirements for all plans, but specific aspects are left up to safety teams appointed at each School District and school building. The safety teams are composed of stakeholders from the School Districts and include representatives from the school board and teacher, administrator, and parent organizations; school safety personnel; community members; and first responders.

In addition to requiring the development of plans and the appointment of safety teams, the Law, Regulations, and other Department guidance prescribe other actions that School Districts must take annually, including:

- Reviewing and adopting the District and Building Plans;
- Submitting District Plans to the Department;
- Submitting Building Plans to the Division of State Police (State Police) and local law enforcement; and
- Training school staff on the plans.

The Law also requires the Department to report annually to the Executive and the Legislature on the implementation of and compliance with the provisions of the Law.

Our initial audit report, which covered the period September 1, 2016 through September 27, 2018, examined whether the Department was monitoring schools, districts, and other programs to ensure they are complying with legislation and regulations governing school safety planning. Overall, we determined the Department was not sufficiently monitoring School Districts' compliance with the requirements for school safety planning and, consequently, did not have assurance that the requirements were being met. We found that the Department primarily focused on ensuring that School Districts submitted their Building Plans to the State Police annually, which resulted in 99 percent compliance. However, due to the Department's lack of oversight, School Districts did not consistently: annually adopt their safety plans in accordance with Department guidance, hold public hearings on the plans, appoint district-wide safety teams including all required representatives, or train employees on the plans. In addition, the Department never submitted a report on the implementation of and compliance with the provisions of the Law to the Executive and the Legislature, although it has been required to do so annually since 2000.

The objective of our follow-up was to assess the extent of implementation, as of October 5, 2020, of the five recommendations included in our initial audit report.

### **Summary Conclusions and Status of Recommendations**

We found that the Department has made significant progress in addressing the issues noted in our initial report. Of the five recommendations from our initial audit report, the Department has implemented four and partially implemented one.

### **Follow-Up Observations**

#### **Recommendation 1**

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

Status – Implemented

Agency Action – The Department has developed a program to monitor School Districts' safety planning compliance using a new application for electronic submission of certain school safety planning requirements. Beginning in the 2019-2020 school year, the Department began collecting District Plans through the new application, which may also be used

to issue reminder emails and allows the Department to communicate with the School Districts regarding their submissions. In the 2020-2021 school year, the Department began to review the electronic submissions and follow up with School Districts to ensure compliance. In addition, School Districts must now submit the dates of their annual public comment periods, public hearings, plan adoptions, and dates and descriptions of their annual safety training.

### **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.*

Status – Implemented

Agency Action – In September 2019, the Department proposed an amendment to the Regulations to simplify the plan submission process for School Districts. Effective October 23, 2019, District and Building Plans must be submitted on October 1 of each school year, an update to the previous requirement that District Plans be submitted by October 1 and Building Plans by October 15. The Department communicated this change to School District superintendents on August 17, 2020.

### **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.*

Status – Implemented

Agency Action – On March 6, 2020, Department officials issued a memo explaining that the Report of School Closure form is to be used to notify the Department immediately when the District or Building Plan is activated and results in the closing of a school building. The memo also explained where the form was located on the Department portal and provided submission instructions.

### **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.*

Status – Implemented

Agency Action – In August 2019 and August 2020, the Department issued memos to School Districts explaining school safety requirements relating to annual public comment periods, public hearings, plan adoptions, and training.

### **Recommendation 5**

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

Status – Partially Implemented

Agency Action – The Department stated it has developed an outline for and is drafting the report.

Major contributors to this report were Amanda Eveleth, Lauren Bizzarro, Zachary Barach, and Karen Corbin.

We thank the management and staff of the Department's Office of Student Support Services for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Theresa Podagrosi  
Audit Manager

cc: James Kampf, State Education Department  
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