

February 20, 2024

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: Follow-up audit on Compliance with  
School Safety Planning Requirements  
Report 2022-F-32

Dear Comptroller DiNapoli,

This letter constitutes the response of the New York City Public Schools (NYCPS) to the follow-up audit on the recommendations made by the Office of State Comptroller (Comptroller) in its audit report on Compliance with School Safety Planning Requirements (Report).

The safety and well-being of our students, staff and school community members is of the upmost importance, and in alignment with the New York State Education Department (NYSED) regulations and in coordination with external partners, including the New York City Police Department (NYPD), we work with school leaders to ensure that safety systems are in place. We appreciate and respect the efforts by the Comptroller's team and the recommendations made to strengthen the safety systems in our schools, however, those identified as partially or not implemented do not accurately reflect the information shared with the Comptroller which speak to the complexity of our school district. NYCPS is governed by NYSED and strictly adheres to its laws and regulations. However, due to the complexity of our school district, there are many instances where NYSED guidance is released to school districts in which NYCPS is exempt. In most cases these exceptions are made by NYSED because they understand it is impractical or unreasonable to impose those requirements on NYCPS. Below we highlight specific concerns about the information the Comptroller is preparing to share with the public.

## **Response to Recommendations**

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

*Status – Not Implemented*

**Response.** The Comptroller's team specifically indicated that their recommendation to review and amend City Regulation was to require schools to adopt their Building Safety Plans by September 1, annually, as required by State Regulations. Throughout every iteration of the Comptroller's inquiry, NYCPS has shared that the school systems' start date is always after September 1. This means most required members of the School Safety Committee do not report

to work until after the Labor Day holiday. As such, it is not possible to convene the required committee meeting and adopt the Safety Plan within the timeframe outlined by NYSED. However, annually, NYCPS Building Safety Plans are adopted and submitted to NYSED and NYS Police by no later than October 1. The prior year's plan remains in effect until a new one is adopted.

The draft report references the Chancellor's Regulation A-414 – Safety Plans (A-414)<sup>1</sup> as the document used to ensure that we align with state regulations and guidance. A-414 provides detailed guidance on the development and reviewing of the School Safety Plan for our schools. NYSED is aware of the timeline used by NYCPS to ensure plan submission within 30 days of adoption, as required by State law. We work with officials on a city-wide and borough-based level. In fact, when developing the School Safety Plan, we have the involvement of local first responders (*i.e.*, New York City Fire Department (FDNY) and NYPD) and other school-based members (including members of the Parent/Teacher Association and the school Parent Coordinator) which exceeds the requirements found within state regulations. As previously noted, NYC public schools are not in session by September 1 and in all cases the existing School Safety Plan remains in place until a new one is reviewed for changes by the team in September. Plans are submitted to NYSED and State Police in accordance with state regulations (*i.e.*, no later than October 1). Additional files are sent to NYSED and State Police throughout the fall as plans are further certified by NYPD. This allows for the two law enforcement agencies to have access to all school building safety plans with one (NYPD) reviewing each section of the plan and requesting revisions as needed. This is another instance where our procedures go beyond the NYS requirements.

The status of not implemented reflects the auditors' lack of understanding of our procedures and guidance as it applies to NYCPS, and it unfairly misrepresents our efforts and care for safety in our public schools.

**State Comptroller's Comment** – We recognize that NYCPS has developed its own timeline for collecting and reviewing School Safety Plans in its City Regulations. However, as described in our initial report, this timeline does not allow NYCPS to meet the time frames required under the State Regulations. Therefore, we maintain that NYCPS should review its City Regulations for alignment and compliance with the State Regulations and guidance.

**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.*

*Status – Partially Implemented*

**Response.** As shared with the Comptroller's team, the NYCPS has made procedural enhancements that directly address this recommendation. Starting in School Year (SY) 23-24, a validation feature was added that prevents uploading a School Safety Plan without a floor plan.

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<sup>1</sup> <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-414-3-24101e8ac6a2a5b14bdeaae96554efd49f3d.pdf>

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

*Status – Partially Implemented*

**Response.** NYCPS provided the auditors with supporting records evidencing our requirement that School Safety Committee minutes be uploaded, and we communicate this requirement to our schools in various forms throughout the year. In addition, we have shared documentation that lists items that school leaders may consider for discussion at their monthly meetings. School leaders are empowered to determine what is an appropriate agenda for their meetings based on their unique and specific issues and needs. In fact, no two Safety Committee meeting agendas will be identical and the implication by the audit team that it should be based on their recommendation and related comments is not appropriate for a system that serves a city as diverse and large as ours. All schools reviewed by the Comptroller provided documents, but in one instance the Comptroller did not find acceptable the materials reviewed. The Comptroller analysis points to 90% compliance, which we believe illustrates that the meetings took place, as well as the topics covered, being meaningful.

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

*Status – Not Implemented*

**Response.** NYCPS is firm in its position that this recommendation, in its design, is uninformed and is not supported by any NYS law or NYSED regulations or policies. As outlined by NYS in its Quick Guide to Emergency Response Planning<sup>2</sup> in Education Law §§ 807 and 2801-a, and Commissioner’s Regulation 155.17, only the following are outlined by NYS for all NYS Public Schools:

**State Comptroller’s Comment** – Our audit recommended that NYCPS establish a minimum number or percentage of members to be in attendance for each School Safety Committee meeting because our initial audit found that 14 of the 23 sampled schools held meetings with less than 50% Safety Committee members in attendance. We question how School Safety Committees can accomplish the necessary safety work with so few members in attendance.

- Create several different safety teams: building-level emergency response team (known as the School Safety Committee): one for each building within a district, the “planning team,” is responsible for:
  - developing the building-level emergency response plan (accomplished through the School Safety Committee)
  - appointing the Emergency Response Team (accomplished through the Building

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<sup>2</sup> <https://www.p12.nysed.gov/sss/documents/QuickGuideEmerPlanningAug2021final.pdf>

- Response team)
  - appointing the Post-Incident Response Team (accomplished through the Crisis team)
  - appointing any other Incident Response Team(s) deemed necessary (accomplished through responding field teams but highlight is “deemed necessary”)
- Further included in NYS Law is:
  - The building-level emergency response team appointed by the building principal, in accordance with guidelines prescribed by the board of education or chancellor in NYC and includes, but not limited to representatives of:
    - Teacher organizations
    - Administrator organizations
    - Parent organizations
    - School safety personnel
    - Other school personnel including bus drivers and monitors.
    - Community members
    - Local law enforcement officials
    - Fire Officials
    - Other emergency response agencies
    - Other representatives of the board of education or chancellor in NYC deemed appropriate.

While NYCPS agrees that School Safety Committee meetings should be meaningful and well attended by the members of the team, there is nothing to mandate a percentage of attendees for compliance with NYS Law or NYSED policies. The audit team conducted an arbitrary assessment and established its own attendance benchmark without any explanation or citation that supports it. It is important to note that in a school district of over 1,800 schools, no two schools have identical staffing ratios. As such, the representation of Safety Committee Members will vary. All required members of the Safety Committee, in accordance with State regulations (NYSED Law 2801 and Commissioner’s Regulation 155.17), are made aware of the monthly meeting schedule and are reminded to attend. Further, NYCPS works closely with all school leaders to remind them of the importance of attending School Safety Committees through training and internal reviews.

**State Comptroller’s Comment** – While there is no State mandate, this does not prohibit NYCPS officials from establishing a minimum number of School Safety Committee members to be in attendance, especially in light of poor attendance at these meetings.

**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).*

*Status – Not Implemented*

**Response.** The NYCPS provided, in good faith, the requested information to the Comptroller, including, but not limited to downloads from the NYCPS’s Employee Information System confirming that all the staff members on safety plans were employed at the school during the date

parameter specified by the auditors, and the determination of “not implemented” does not reflect our efforts and records supporting them.

The following information was shared with the Comptroller for consideration in their analysis of the recommendation’s implementation status:

- Subsequent to September 2019, we shared with the Comptroller our communication strategy with relevant school staff where we remind them of the importance of up-to-date safety plan information; and
- During SY20-21, we conducted a data cleansing exercise to confirm that staff included on safety plans were NYCPS employees at that time.

As part of our discussions with the Comptroller’s team, we reminded them that the review of the safety plans is a continuous process, and our effort of enhancing protocols is therefore continuous as well. The status of not implemented is an unfair account of our current condition and is dismissive of the processes we have in place to capture accurate and complete information in our safety plans. It is unclear why the information shared with the Comptroller was not considered here.

**State Comptroller’s Comment** – We reviewed all information provided by NYCPS officials. However, officials did not provide us with documentation and/or sufficient documentation to substantiate the reviews they claimed they conducted.

In response to the example offered by the audit team regarding phone numbers being the same for BRT members, as we indicated during the exit conference, the main school number is listed for all employees in the School Safety Plan. There are communication protocols that are in place that allow school personnel, including the members of the Building Response Team, to be reached during a school’s emergency and non-emergency situations. As to the observations regarding emergency exits, those instances will be addressed with the schools. These one-off examples do not negate the process in place and/or efforts undertaken by the NYCPS.

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

*Status – Not Implemented*

**Response.** NYCPS remains firm in its position that more than appropriate documentation has been provided to prove that School Safety Agents (SSAs) have been reminded, and of further importance, trained and retrained annually in the visitor control procedures. Part of the records provided to the auditors was a document titled “Opening Day Packet,” which is what was shared with SSAs and includes specific instructions on visitor admission procedures. Furthermore, visitor control procedures are outlined in all School Safety Plans which are signed off by a School Safety Division Supervisor. The NYCPS does not argue that the findings of the audit team in specific buildings may reveal individual instances where an SSA may have failed to follow the protocols as designed. However, while those instances will be addressed by the NYCPS, it does not negate the fact that procedures and policies are in place and that the recommendation to “remind” SSA staff is therefore fully implemented.

**State Comptroller's Comment** – NYCPS officials did not provide documentation during the follow-up to support that they reminded SSAs to follow the standardized visitor admission process outlined in the School Safety Plans.

**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.*

*Status – Partially Implemented*

**Response.** This recommendation has been implemented. Section E of the District Safety Plan speaks to Training and Drills and states, “In collaboration with NYC first responders (NYPD, FDNY, and NYC Emergency Management (NYCEM)), the NYCPS observes various drills conducted in different school buildings in each borough to assess their response to emergencies requiring an evacuation, shelter-in or lockdown. The team conducts a debrief with school leaders and a multi-agency debrief to assess effectiveness and identify any areas where corrective action may be required.” This serves as evidence that this recommendation was fully implemented. As a reminder, the FDNY, NYPD and NYCEM are our local responders for NYCPS and all coordination in NYCPS’s begins with the NYPD and School Safety Division. The FDNY at the local level is included in every safety plan and safety committee where the drill schedule is also reviewed. Also, as shared during our conversation with the auditors in October, NYCPS, as a whole, is recognized by NYSED as one school district and not as individual counties as in other parts of New York State.

**State Comptroller's Comment** – Despite our requests, no support was provided to OSC during this follow-up.

**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.*

*Status – Partially Implemented*

**Response.** The recommendation was fully implemented as supported by the documentation shared with the audit team. As requested by the Comptroller, we shared examples of documentation (correspondence sent to individual schools that detail the school’s current status of compliance with emergency drills and remind them of its obligations) that showed the type of follow up done by Borough Safety Directors with schools that were out of compliance by the deadline set by NYSED. As we have previously pointed out, the auditors chose to conduct limited testing for a small sample of schools, which resulted in finding one school out of compliance. A common theme found throughout the Report is that the results of the test of a small sample have been used to discount sound procedures that have been implemented by NYCPS to address the Comptroller’s recommendations. We will follow up with the non-compliant school, however, we have our own protocols to identify and follow up with schools where issues are identified.



**State Comptroller's Comment** – Our audit recommended that NYCPS ensure that all drills are completed within the required time frame. Of the five schools we tested during the follow-up, two did not complete the required drill within the required time frame. We are pleased that NYCPS officials will follow up with non-compliant schools.

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

*Status – Not Implemented*

**Response.** This recommendation was implemented. The District Plan shared with the audit team reflects the items that the auditors claim is missing. It contains a section on training and drills (Section E found on page 5 of 12) and the General Response Protocol (GRP) used when threats are discovered (Sections B and C on pages 2-5 of 12). School specific policy and guidance released directly to schools exists as well and is also embedded within building safety plans.

**State Comptroller's Comment** – The District Safety Plan shared with OSC was not updated to include all the information required by the Law and State Regulations.

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

*Status – Not Implemented*

**Response.** We agree that shelter in place drills are important, and we are bound by NYSED regulations that only direct schools to conduct evacuation and soft lockdown drills. As stated in the NYCPS original response, shelter-in-place drills are not required or referred to in any aspect of NYS Law which all public schools across NYS must adhere to. To hold NYCPS accountable to a requirement not issued by NYSED is improper. The NYCPS does not appear to be the party responsible for implementation of this recommendation.

**State Comptroller's Comment** – Our initial report acknowledged that schools are not required to conduct shelter-in-place drills.

Sincerely,



Mark Rampersant  
Chief of Safety and Prevention Partnerships