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OFFICE OF THE STATE COMPTROLLER

January 11, 2024

David C. Banks
Chancellor
New York City Department of Education
52 Chambers Street
New York, NY 10007

Re: Compliance With School Safety
Planning Requirements
Report 2022-F-32

Dear Chancellor Banks:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article III, Section 8 of the General Municipal Law, we have followed up on the actions taken by officials of the New York City Department of Education to implement the recommendations contained in our initial audit report *Compliance With School Safety Planning Requirements* (Report [2018-N-2](#)).

Background, Scope, and Objective

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 Regulations (City Regulations) provide additional guidance.

Subject to the Law and State and City Regulations, the DOE's District Safety Team must develop a comprehensive district-wide school safety plan (District Plan), and DOE's schools must develop school-specific emergency response plans (School Safety Plans). All plans must be reviewed and updated annually, with District Plans (also referred to as the Code of Conduct and District-wide Safety Plan) submitted to the Education Department and School Safety Plans submitted to the New York City Police Department (NYPD) and the New York State Police (State Police).

The Law, State and City Regulations, and Education Department guidance collectively prescribe additional actions that schools and districts must take, including submitting floor plans as part of the School Safety Plan, holding monthly School Safety Committee meetings and submitting meeting minutes, holding an annual public hearing on the District Plan, and conducting evacuation and lockdown emergency drills.

The DOE, the nation's largest school system, serves approximately 907,000 students at approximately 1,600 elementary, middle, and high schools (excluding charter schools).

The objective of our initial audit report, issued June 12, 2019, was to determine whether the DOE complied with the school safety planning requirements in the SAVE Act. The audit covered the period from July 1, 2015 through February 15, 2019. We found that the DOE could improve its compliance with the school safety planning requirements outlined in the Law and State and City Regulations.

The objective of our follow-up was to assess the extent of implementation, as of November 3, 2023, of the 19 recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

DOE officials have made some progress in addressing the problems we identified in the initial audit report; however, more work is needed. Of the initial report's 19 audit recommendations, nine were implemented, four were partially implemented, and six were not implemented.

Follow-Up Observations

Recommendation 1

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

Status – Not Implemented

Agency Action – DOE officials have not provided support to substantiate that they reviewed and amended the City Regulations (Chancellor's Regulations A-414) to ensure they align and comply with State Regulations and guidance. Moreover, the current version of the City Regulations was last edited March 25, 2010, and is the same version that was in effect during our initial audit (issued in June 2019).

State Regulations and guidance require School Safety Plans to 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, City Regulations require school principals to submit their plans to the DOE's Safety Administrator for review by the third week of September – 3 weeks after the requirements in the State Regulations and guidance. Thereafter, the plans must be submitted to the Commanding Officer of the School Safety Division, where revisions can result in additional delays. This non-alignment can result in a School Safety Plan being adopted after the beginning of the school year, potentially placing the safety of students and school employees at risk.

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.

Status – Implemented

Agency Action – DOE officials provided us with emails between the DOE and the State Police, describing their process for electronically submitting School Safety Plans directly to the State Police no later than October 1 each year.

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

Agency Action – DOE officials stated that, as of September 2019, as part of their School Safety Plan revision process, school leaders are required to review existing floor plans and revise where necessary. They also stated that the DOE reviews all School Safety Plans annually to ensure that floor plans are added to each School Safety Plan.

To determine whether floor plans had been updated, if necessary, and submitted as part of the School Safety Plan, we selected a sample of five schools – one from each borough, with a mix of grade levels served – and requested their School Safety Plans, along with the floor plans for the 2022–23 school year. Two of the five schools' floor plans for the 2022–23 school year had not been updated despite records showing that construction had been completed during that time, which may have necessitated an update to the floor plans. Moreover, we found DOE officials were not aware of, and did not follow up on, the floor plans that had not been updated for the two schools until we brought it to their attention. In addition, we found that schools are not consistently submitting floor plans as part of their School Safety Plans. Of the five schools we visited, officials at two schools stated they submit floors plans with their School Safety Plans; however, officials at the other three schools stated that they do not submit floor plans with their School Safety Plans.

Recommendation 4

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

Status – Implemented

Agency Action – The DOE's Opening Day Packet – a safety document provided to all schools at the beginning of each school year – specifies that agendas and minutes of each School Safety Committee meeting are to be submitted by the schools to a DOE portal during the same month that the meeting is held.

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

Agency Action – DOE officials provided us with email correspondence showing that staff followed up with school principals on missing School Safety Committee meeting information.

We reviewed the School Safety Committee “meeting agenda/minutes” submissions for our five sampled schools for the 2022–23 school year and found that all five schools submitted meeting information for the 10 required meetings. However, one of the five sampled schools did not submit meeting minutes but instead submitted a two-page list of

meeting agenda items covering the entire school year. The DOE's acceptance of this list of agenda items in place of individual meeting minutes indicates that its review does not ensure that the information submitted by schools covers meaningful safety information.

Recommendation 6

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

Status – Not Implemented

Agency Action – DOE officials did not establish a minimum number or percentage of committee members who must be in attendance for each School Safety Committee meeting.

We reviewed the School Safety Committee meeting attendance lists for the 2022–23 school year for the five schools in our sample and found that four schools had less than 50% attendance by School Safety Committee members for all 10 committee meetings. The remaining school had one meeting during the school year where exactly 50% of School Safety Committee members attended, with the remaining nine meetings having less than 50% attendance by School Safety Committee members.

DOE officials stated that Building Response Team (BRT) members – individuals at each school designated to assist in responding to a violent incident or emergency – must attend the School Safety Committee meetings, and DOE officials follow up with the school and superintendent when they find that BRT members were not in attendance. However, we were not provided with documentation to substantiate the DOE's assertion that it follows up with schools when BRT members are not in attendance. Furthermore, despite the DOE's assertion that BRT members must attend all School Safety Committee meetings, we found that four of the five schools had less than 50% attendance by BRT members for all 10 of their School Safety Committee 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

Agency Action – DOE officials stated that they review the School Safety Plans to ensure that they address accuracy and completeness. However, DOE officials have not provided us with documentation to substantiate the reviews they conducted.

Recommendation 8

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

Status – Not Implemented

Agency Action – The DOE did not provide us with documentation to support their assertion that School Safety Agents (SSAs) have been reminded to follow the standardized visitor admission process. Rather, officials asserted that, because SSAs are NYPD employees and not DOE employees, it is the NYPD's responsibility to coordinate and manage

SSAs' assignments to schools, trainings, and employment records. However, this does not prevent the DOE from reminding SSAs to follow the standardized visitor process.

Moreover, during our site visits, only one of the five schools issued us a visitor pass, as required. However, this school did not collect or request the visitor pass when we left. Additionally, while the DOE's Visitor Control Protocol states that visitors must be escorted to and from locations when possible, only one of the five schools had SSAs or school staff escort us to the main office and none of the five schools noted our departure time in the visitors' log, as required.

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.

Status – Implemented

Agency Action – The DOE provided us with the guidance it developed for schools, including a memo on door alarms and when they should be turned on and off. Also, as part of their School Safety Plan, all schools are required to create a building-specific response plan that can be utilized together with the door alarm response protocol to respond when a door alarm has been activated.

Recommendation 10

Develop and implement guidance regarding the use of emergency radios.

Status – Implemented

Agency Action – DOE officials provided us with BRT Leader Training materials, which demonstrate that some guidance was developed and implemented regarding the use of emergency radios.

Recommendation 11

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

Status – Implemented

Agency Action – DOE officials provided us with training materials given to principals to support that they were reminded about the proper storage of 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

Agency Action – Our review found that the General Response Protocols (GRP) publication has been incorporated into the District Plan for the 2022–23 and 2023–24 school years and includes standard responses – evacuation, shelter in place, or lockdown – that schools would employ, depending on the type of emergency or incident. However, it does not

include information on how the DOE tests drills in coordination with local and county emergency responders and other preparedness officials.

The DOE advised us that because the District Plan is a public-facing document, it chose not to reveal specifics regarding how the DOE and first responders test drills, thereby limiting potential danger in and to school buildings. While it is understandable that this type of information should not be included in the public-facing District Plan, it is important that these requirements are documented. This reinforces our belief that the DOE should work with the Education Department to create a plan specific to the DOE that includes the required information noted here as well as in Recommendation 17.

Recommendation 13

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

Status – Implemented

Agency Action – DOE officials provided the list of District Safety Team members as of September 2022, the most recent period available at the time of our request. This list included a school board representative.

Recommendation 14

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

Status – Implemented

Agency Action – DOE officials provided a current listing of District Emergency Response Team members for the 2022–23 school year, the most recent period available at the time of our request. This list included an official from the FDNY.

Recommendation 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.*

Status – Implemented

Agency Action – DOE officials provided documentation to demonstrate that the District Plan was available for a 30-day public comment period and that a public hearing was held.

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

Agency Action – DOE officials initially stated that their Bureau of Compliance has procedures in place for monitoring evacuation and lockdown drills throughout the school year.

However, we were not provided with any procedures and therefore have no assurance that any were in place. DOE officials subsequently stated that the Bureau of Compliance no longer exists, and they are unable to provide us with any procedures. Instead, DOE officials provided information on training given to principals and BRT members, which outlined the types of drills that must be conducted each year and when they must be done. DOE officials also provided a sample email where systems analysts identified schools that were not in compliance with the emergency drill requirements for follow-up.

We reviewed the drill records for the 2022–23 school year (the most recent records available at the time of our follow-up) for the five schools in our sample and found that, while these schools completed the 12 required drills, two of the five schools did not complete all of them within the required time frames. Although the Bureau of Compliance no longer exists, we believe procedures for monitoring emergency drills should be developed and maintained to reinforce the importance of complying with the time frames required by the Law.

Recommendation 17

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

Status – Not Implemented

Agency Action – We reviewed the District Plan, dated September 2023, and found that the format was not updated to include all the information required by the Law and State Regulations, such as policies and procedures for responding to implied or direct threats of violence by visitors to the school and procedures to test drills in coordination with local and county emergency responders/preparedness officials.

Recommendation 18

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

Status – Not Implemented

Agency Action – As in the original audit, DOE officials stated they will not require schools to conduct shelter-in-place drills because they are not required by the State. However, information provided by the DOE during the original audit showed that shelter-in-place drills were conducted. Moreover, the information showed that the 10 schools sampled in the original audit experienced more than three times as many shelter-in-place incidents as lockdown incidents during the 3 school years from 2015 through 2018. This indicates that shelter-in-place drills are important and necessary.

Recommendation 19

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

Status – Implemented

Agency Action – According to DOE officials, they have taken steps to ensure personnel designated as BRT members and floor wardens actually work at the school, including data entry enhancements to the School Safety Plan application. To determine if

individuals listed on the School Safety Plans are school employees, we requested employment verification for 10 employees (two from each of the five schools). DOE officials provided us with information from the employee information system confirming that all 10 selected individuals are employees at the five schools.

Major contributors to this report were Saviya Crick, Manna Zhen, Faisal Nadeem, and Steven Townsend.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We thank the management and staff of the DOE for the courtesies and cooperation extended to our auditors during this follow-up.

Very truly yours,

Sheila Jones
Audit Manager

cc: Danya Labban, New York City Department of Education
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