



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK /
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To: District Superintendents of BOCES
Superintendents of Public School Districts Outside NYC
Principals of Public Schools Outside NYC
Charter School Leaders of Charter Schools Outside NYC

From: Kathleen R. DeCataldo

Subject: Updating and Submitting 2021-22 School Year Building-Level Emergency Response Plans and Information Related to District-Wide Safety Plans

[Education Law §2801-a](#) and [Commissioner's Regulation §155.17](#) require that each public school and BOCES develop and annually update, a confidential Building-Level Emergency Response Plan (ERP) that includes details about how school personnel and students would respond to different types of emergency situations that may occur in their school. In addition, each public school district, BOCES and charter school must also develop and annually update a District-Wide School Safety Plan that provides critical information to parents, educators and the school community about the policies and procedures that the school has in place related to school safety. As the recent COVID-19 pandemic and response have demonstrated, the importance of having a plan in place for how the school and community will respond in an emergency cannot be over-emphasized.

Important information is provided below to assist administrators with developing and submitting these plans for the 2021-22 school year. In addition, it is recommended that administrators review information that we [provided in August 2019](#) regarding the findings of the 2018-19 school year audits that were conducted by the Office of the State Comptroller (OSC) related to compliance with and oversight of school district, BOCES and charter school implementation of the school and district safety planning requirements. It is also recommended that administrators review information [provided in September 2020](#) regarding conducting the required 8 evacuation and 4 lockdown drills; with 8 of the required drills being conducted by December 31 each school year.

In addition to the information contained in this memo, resources related to emergency response planning requirements may be found on the [NYSED Student Support Services website](#) and on the [New York State Center for School Safety's webpage](#). If you have questions, please contact the office of Student Support Services at SafetyPlans@nysed.gov.

Building-Level Emergency Response Plans

As noted above, each public school, charter school and BOCES school building is required to develop and annually update a confidential building-level ERP that includes information about the school, key staff, floor plans, maps, and detailed response procedures for different types of emergency situations. Every public school and BOCES is required to update and submit their building-level ERP to both the state police and local law enforcement each year within 30 days of adoption, but no later than October 1. Schools fulfill the requirement to submit building-level ERPs to the state police by submitting their plan electronically via the SED Monitoring application accessed through the New York State Education Department (NYSED) Business Portal. Information about how to access the Safe Schools application via the SED Monitoring/NYSED business portal may be found at the end of this memo.

At this time, school officials must contact local law enforcement directly to comply with the requirement to submit the building-level ERP to local law enforcement. In addition, local law enforcement must be a part of the required Building-Level Emergency Response Team.

Building-level ERPs that are submitted via the NYSED business portal are received by State Police staff. Important reminders regarding developing and submitting your plan are below:

- The building-level ERP must be updated and in place at the beginning of the school year.
- The deadline for submitting the plan via the NYSED business portal is October 1, 2021.
- The plan must include all minimum required elements, as outlined in the [Building-Level Safety Plan Self-Assessment Checklist](#).
- School administrators are asked to include information about each local law enforcement agency the plan was submitted to and the date the ERP was submitted; 10-digit phone numbers, including area code, must be provided.
- Every school ERP must include functional annexes for how the school will implement their plan of action in response to an emergency (including Shelter-in Place, Hold-in-Place, Lockout, Lockdown, Evacuation, Crime Scene Management, Communications, Public Health, Medical and Mental Health, Accounting for All Persons, Family Reunification, Security, and Cybersecurity). Required functional annexes must be complete and should not include the use of codes, colors or cards.
- It is required that each school submit a pdf document containing building floor plans, and a pdf document containing a map of the school grounds and surrounding area. You may utilize an application like Google Maps to generate a pdf document that contains an area map. The documents must be readable and clear with entrances and exits clearly marked. Do not submit electronic copies of hand-drawn plans.

- When identifying personnel to fulfill Incident Command System (ICS) roles, it is recommended that you do not designate the same staff person to fulfill multiple roles, and to identify staff to fulfill key roles who are on-site daily.
- When entering contact information, be certain that area codes are included with telephone numbers; if possible, include cell numbers for contacts.

District-Wide School Safety Plans

Each year, every school district, BOCES and charter school must develop/update and, after appropriate board review and public comment period, adopt a comprehensive district-wide school safety plan. To comply with the requirement that the district-wide school safety plan be filed with the Commissioner, each school district, charter school and BOCES is directed to post their district-wide school safety plan, including the school code of conduct, on the district website and submit the web address/URL to the Department. Beginning with the 2019-20 school year, districts, BOCES and charter schools are required to submit the district-wide school safety plan information described below annually via the Safe Schools collection in SED monitoring. Additional detail about how to access the Safe Schools application and the SED Monitoring/NYSED business portal is at the end of this memo. The information that must be reported includes:

- contact information for the chief emergency officer;
- the URL for the district-wide school safety plan;
- critical dates related to the adoption of the district-wide school safety plan, including the date of the public board meeting regarding the plan, beginning and end date of the public comment period, and date of board adoption; and
- certification that all district and school staff have undergone annual training in the emergency response plan, school violence prevention and mental health.

On September 7, 2020, Governor Cuomo signed into law Chapter 168 of the Laws of 2020 that requires public employers, including public school districts, to adopt a continuation of operations plan if the Governor declares a state disaster emergency involving a communicable disease. Chapter 168 amended subdivision 2 of section 2801-a of the Education Law to require that district safety plans include protocols for responding to a declared state disaster emergency involving a communicable disease that are “substantially consistent” with the provisions of section 27-c of the Labor Law. A technical chapter amendment (S.01295 /A.009980) to the legislation became effective February 16, 2021 (Chapter 30 of the Laws of 2021).

Accordingly, in [April 2021, as an emergency measure, the Board of Regents adopted amendments to section 155.17](#) of the Commissioner’s regulations to require that school district-wide safety plans include protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions of section 27-c of the Labor Law. [The amendments were permanently adopted in July 2021.](#) As such, districts must ensure their district-wide safety plan includes the components described below.

As per section 27-c of the Labor Law, the operations plan must include, but is not limited to:

- a) A list and description of the types of positions considered essential in the event of a State-ordered reduction of in-person workforce. For this purpose, essential is defined as required to be physically present at a work site to perform his or her job. Such designation may be changed at any time at the sole discretion of the employer.
- b) A description of protocols the employer will follow in order for nonessential employees to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading, and installation of any needed technology, including software, data, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace, and may include devices.
- c) A description of how the employer will, to the extent possible, stagger work shifts of essential employees to reduce overcrowding on public transportation and at worksites.
- d) Protocols the employer will implement to procure personal protective equipment (PPE), defined as equipment worn to minimize exposure to hazards, including gloves, masks, face shields, foot and eye protection, protective hearing devices, respirators, hard hats, and disposable gowns and aprons and, for essential employees, a quantity sufficient to provide PPE to each essential employee to meet his or her tasks and needs during any given work shift. A plan for storage of equipment and access to equipment must be included.
- e) Protocols in the event an employee is exposed to a known case of the disease, exhibits symptoms of the disease, or tests positive for the disease to prevent the spread or contraction in the workplace. The protocols shall not violate any existing federal, State, or local law regarding sick leave or health information privacy and must include detailed actions to immediately and thoroughly disinfect the work area, common area surface and shared equipment. The protocols must also describe the employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine.
- f) Protocols for documenting hours and work locations, including off-site visits, for essential employees. The protocol shall be designed only to aid in tracking of the disease and to identify exposed employees and contractors to facilitate the provision of any benefits which may be available.
- g) Protocols for working with the employer's locality to identify sites for emergency housing for essential employees to further contain the spread of the communicable disease to the extent applicable to the needs of the workplace.
- h) Protocols for implementing any other requirements determined by the Department of Health such as contact tracing or testing, social distancing, hand hygiene and disinfectant, or mask wearing.

Additional important reminders to consider when preparing and updating your district-wide safety plan are provided below.

- The plan must include all minimum required elements as outlined in the [District-Wide Safety Plan Self-Assessment Checklist](#), including a copy of the board-adopted written contract or Memorandum of Understanding (MOU) that defines the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct for school

districts and charter schools that employ, contract with, or otherwise retain law enforcement or public or private security personnel, including school resource officers. For additional information, see the [September 5, 2019 memo](#) regarding this requirement.

- Required procedures regarding public hearings, board adoption, and/or public comment periods must be in place. LEAs should consult with their school attorneys regarding meeting these requirements. In addition, information about public meetings law is available in a publication from the [Department of State](#).
- The district-wide school safety plan is posted on the LEA website and is in a location that is readily accessible to parents and the public (such as on a page describing school safety procedures).
- Safety teams include all required members as described in the in the [District-Wide Safety Plan Self-Assessment Checklist](#).

Information and resources related to emergency response planning is on the [NYSED Student Support Services website](#) and on the [New York State Center for School Safety's webpage](#) and below. Information about the electronic submission process may be found below. If you have questions or problems accessing the business portal or the SED Monitoring and Vendor Performance System, please contact the SEDDAS helpdesk at SEDDAS@nysed.gov or the office of Student Support Services at SafetyPlans@nysed.gov.

If you have questions about the building-level ERP or district-wide school safety plan requirements, please contact SafetyPlans@nysed.gov. For building-level ERP questions, you may also contact the NYS Police Office of Safe Schools at info@safeschools.ny.gov.

Both collections are available in SED Monitoring now. The chief executive officer of each public school district, BOCES and charter school (superintendent, district superintendent, or charter school leader, respectively) may access the collection via the NYSED business portal. From the NYSED business portal, choose “SED Monitoring,” then select “Safe Schools” then select the appropriate report for your school building, district or BOCES.

Submitting School Building-Level Emergency Response Plans (ERPs) and District-Wide School Safety Plans

Using the following steps:

- **ERPs** must be submitted by the Chief Executive Officer (CEO)** of each **school**, and
- **District-wide school safety plans** must be submitted by the CEO of each **LEA** (school district, BOCES, or charter school), as outlined below.
 1. Go to <https://portal.nysed.gov/>
 2. Click on the “Log In” button
 3. Enter your existing SEDDAS username and password
 4. Under the heading “My Applications,” click the link to “SED Monitoring and Vendor Performance System”
 5. **For School Building-Level ERPs** –principals (and designated staff) will see “**School ERP**” in the inbox that appears in SED Monitoring. BOCES principals will see “**BOCES ERP**” in the inbox.

- a. Click “View” to enter and review data
 - i. All floor plans and area maps must be uploaded as a .pdf document
 - ii. It is recommended that you save your changes frequently
 - iii. It is not required that you enter all data at once, you can save your changes and finish at a later time
 - iv. The CEO of the school or district/BOCES must submit when all relevant information is entered
- 6. For the **District-Wide Safety Plan** – in the inbox that appears in SED Monitoring, public school superintendents, district superintendents, and charter school leaders will see “**LEA District Safety Plan URL and Information**”

** The Chief Executive Officer (CEO) of each public-school district, public school, charter school and BOCES and BOCES building as recorded in SEDREF ([https://portal.nysed.gov/pls/sedrefpublic/SED.sed_inst_qry_vw\\$.startup](https://portal.nysed.gov/pls/sedrefpublic/SED.sed_inst_qry_vw$.startup)) has been entitled to enter information into SED Monitoring and the School Building ERPs SafeSchools electronic application in SEDDAS.

If the CEO information in SEDREF is incorrect for your school, you may update it by following the instructions found here: <http://www.oms.nysed.gov/sedref/home.html>.