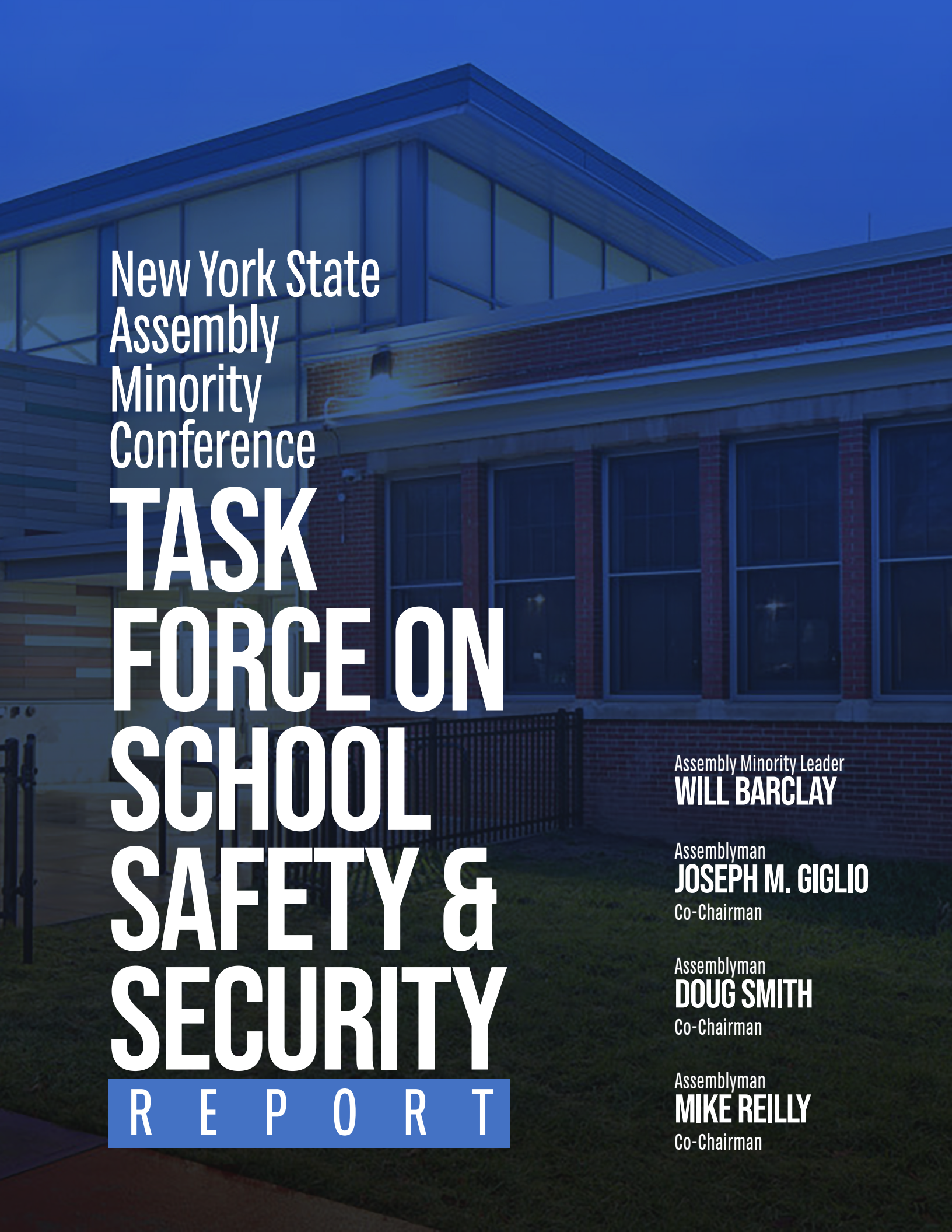




New York State
Assembly
Minority
Conference

**TASK
FORCE ON
SCHOOL
SAFETY &
SECURITY**

R E P O R T

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Executive Summary

The Assembly Minority Conference, led by Minority Leader Will Barclay, established the Task Force on School Safety & Security because there is nothing more important than the safety of children. As such, the State of New York should be doing everything it can to create a safe and welcoming environment in schools. As Assemblyman Doug Smith stated at the Long Island Forum, “The issue of school safety is something that is near and dear to the hearts of millions of New Yorkers. [There are] over four million children in our public and non-public schools across the State of New York, and this is something that we feel very strongly about: getting feedback on what we can do to have the State Government help local communities and providing a safe environment for their kids.”¹

During five events co-chaired by Assemblymen Joseph M. Giglio, Doug Smith, and Mike Reilly, Conference members heard from members of law enforcement, school officials, teacher organizations, parents, and other stakeholders and listened to their concerns and ideas on how to better achieve the shared goal of ensuring the safety of students and school personnel. From examining ways to increase the security presence at schools and on school grounds, to ensuring access to mental health services for students, participants presented real solutions that could make a significant impact. The valuable information gathered during the process helped shape the recommendations made by the Task Force.

This report provides a summary of some of the major issue areas that were discussed with stakeholders throughout the State. In order to respond to the increased acts of violence in schools and to effectively address measures to keep children and educators safe while on school grounds, the Task Force recommends addressing the following issues:

- Increasing Law Enforcement Presence at Schools;
- Addressing Mental Health Issues in Schools;
- Innovative State Support for School Safety and Security;
- Identifying Threats and Providing Support to At-Risk Students; and
- Hardening Infrastructure at Schools.

It is the goal of the Task Force, and the Assembly Minority Conference, to work in partnership with local and federal colleagues, as well as partners in the Assembly, Senate, and Executive Branch to enact legislative solutions designed to address these issues. While it is always difficult to discuss violence impacting children, the recommended solutions included in this report should be considered during the 2023 Legislative Session.

¹ <https://www.youtube.com/watch?v=nRscE6pu2Fc>

Increasing Law Enforcement Presence at Schools

The role of law enforcement with respect to school safety increased considerably following the 1999 Columbine High School massacre. As the number of violent incidents have increased throughout the nation over the past few years, the role of police officers, including School Resource Officers (SROs), came under intense scrutiny, causing some school districts in New York State to reassess their SRO programs. Following the devastating mass shooting that occurred in an Uvalde, Texas elementary school in May 2022, killing 19 students and 2 teachers,² many school districts throughout the State have reaffirmed their commitment to having law enforcement present in schools.

Participants at the forums recognized the integral role law enforcement plays in enhancing safety and security in schools, as well as the importance of developing trusting relationships with students. For example, at the Staten Island forum, Mark Rampersant, Chief of Safety & Prevention Partnerships for the New York City Department of Education, underscored the need to advocate for New York City school safety agents, saying that while they are valued, groups associated with the “Defund the Police” movement are advocating for their removal, and doing it loudly. The voices in support of law enforcement must be louder.

Law enforcement, school officials, and other stakeholders representing urban, suburban, and rural school districts, discussed the use of law enforcement in their respective schools, obstacles faced, and recommendations on how to improve conditions. Officials testified school safety programs are mostly created at the local level and are often cost-prohibitive, which can limit the number and proficiency of the safety personnel that a school can employ. The Task Force learned that there is a wide range of school security classifications schools utilize, including SROs, active police officers, retired police officers, law enforcement employed directly/contracted by school districts, contract or private security companies, security guards, etc., while New York City public schools utilize school safety agents employed by the NYPD.

Speakers at the forums highlighted the need for greater uniformity, which should begin at the State level. Ogden Town Supervisor Michael Zale echoed this sentiment at the Rochester forum, emphasizing the need for a call to action, much like what the Task Force aimed to do, stating that it is the State’s responsibility to ensure the safe management of schools.

While Governor Hochul directed the New York State Police to increase patrols and conduct check-ins in schools around the state following the Uvalde tragedy,³ State efforts to address this safety issue have been lukewarm at best. A 2020 State Law⁴ created the “Domestic Terrorism Task Force” to examine, evaluate, and determine how to prevent mass shootings by domestic terrorists, including recommending practices to provide for the security of locations likely to be targeted by a mass shooter. A preliminary report was due on December 1, 2021, with the final report due on September 1, 2022. As of February 2023, no report has

2 <https://www.texastribune.org/2022/05/25/uvalde-school-shooting-victims>

3 <https://www.cbsnews.com/newyork/news/texas-school-shooting-new-york-state-police-daily-check-ins-kathy-hochul/>

4 <https://nystateofpolitics.com/state-of-politics/new-york/politics/2022/05/19/new-york-assembly-minority-leader-urges-domestic-terrorism-task-force-to-meet>

been issued. Repeated requests made to the Division of Criminal Justice Services (DCJS) regarding the status of the reports have gone unanswered.

Although forum speakers emphasized the need for more standardization, neither they nor the Assemblymembers lost sight of the fact “one-size-does-not-fit-all” when considering that schools are diverse with varying needs. For example, Manny Villar, founder and CEO of the Retired Police Benevolent Association of New York, testified that schools are unique unto themselves, providing varying degrees of security based on numerous factors, including budgetary constraints, physical structure and age of building(s), the nature of the community where the school is located, and the training and capabilities of school faculty and staff.

Chief Deputy Michael Fowler from the Monroe County Sheriff’s Office also recommended that law enforcement (having jurisdiction over a school) meet with school administrators on an annual basis to go over the required emergency response plans, prevention techniques, and interventions. This would enable law enforcement to become familiar with a school’s layout in a time of emergency, if and when needed.

The following subject matters address the need for a uniform, but flexible, state policy to keep children safe in schools.

Salary Limitations for Retired Police Officers Serving as SROs

Overwhelmingly, school officials testified about the struggle to recruit and retain experienced, retired law enforcement professionals due to a provision in State Law that limits the amount of income retirees can make without it negatively affecting their State pensions.

For all public retirees, earnings are generally limited if returning to public employment in New York State. Under Section 212 of the Retirement & Social Security Law (RSSL), there is a calendar-year cap on a service retiree’s earnings from public employment. Effective January 1, 2020, the limit was set at \$35,000.⁵ If a retiree earns more than this limit, he or she is penalized. A 2013 Law does allow retired police officers employed by a school district as a school resource officer to apply for a waiver, also known as a “211 waiver,” in order to earn more than \$35,000 per year. However, this process can often be burdensome and time consuming. As such, the cap on earnings disincentivizes those best qualified and most experienced from becoming SROs.

Dr. Casey Kosiorek, President of the Monroe County Association of School Superintendents, called this cap problematic because it acts as a roadblock to bringing the most qualified retired professionals into schools to serve as SROs.

“So right now, if we’re capping what an individual can make with a pension to \$35,000 that’s problematic. It’s not problematic because people are looking to double dip or be greedy, you’re talking about a skill set that has been developed over years that is different than other skill sets. If we can move past that cap and not have the waiver, we will be able to bring individuals into work in our schools and that may alleviate the staffing issue of not being able to find School Resource Officers.”⁶

– Dr. Casey Kosiorek

5 <https://www.nysenate.gov/legislation/laws/RSS/212>

6 <https://www.youtube.com/watch?v=Z4J2ORy52Vc>

At the Long Island forum, Manny Villar noted in 2021 there were 32,000 retired police officers whom, if properly applied, could become a “viable, cost-effective, highly-trained security asset in every public school throughout the State.” Police retirees average 26 years of active law enforcement experience, with training that oftentimes far exceeds that of the private security sector. The Conference has introduced legislation, (A.2023; Hawley), designed to address this salary cap impediment.

At the Rochester Forum, Dr. Kosiorek also suggested the possibility of retired police officers working on a per diem basis. Highlighting the need for flexibility within the system, Assemblyman Giglio mentioned there have been numerous bills introduced in the Assembly that would raise this earnings ceiling, but none of them have made it out of Committee to the floor for a vote [2022: (A.1977; Hawley); (A.5914; Paulin); (A.6844-A; Thiele)].

Recommended Solution:

- **Increase/remove salary limitations for retired police officers returning to public employment as SROs.**

Additional Limitations that Inhibit the Use of Retired Officers as SROs

There are additional legal impediments/limitations that inhibit the wider use of retired police officers as SROs. With respect to the “211 waiver,” which allows retired police officers working at a school to exceed the \$35,000 cap, retired police officers must be specifically designated as SROs, which requires more intensive training. Retired officers hired as SROs are properly trained to thwart potential threats, in addition to deterring/responding to actual incidents, further supporting their role in keeping students and school personnel safe.

According to the New York State Education Department, before a “211 waiver” request can be granted, one must consider and take into account the rolls and duties of an SRO:⁷

- The SRO is an *educator, law enforcer, and counselor*.
- The SRO’s primary duties are to protect the school’s safe environment and to maintain an atmosphere where students and staff feel safe to learn.
- The SRO may assist in the investigation of criminal activity occurring on school campuses with school administrators in accordance with New York State Law and school district policy.
- As an educator working with faculty members, the SRO can present information and answer questions on a variety of topics, including the law, drugs, safety, crime prevention, violence prevention, concepts of safety, traffic laws, general law, and crime prevention techniques.

Additionally, there are also limitations to, and confusion surrounding, the “211 waiver” which applies only to SROs employed by school districts. Under current law [RSSL §212 (3.)], only retired police officers employed as SROs by a school district may receive the “211 waiver” to not be subject to the \$35,000 earnings cap as set forth in Section 212 of the

7 <https://www.highered.nysed.gov/tcert/resteachers/sdretiree.html>

RSSL. In conversations with school board members, teachers' unions, and administrators, Assemblyman Smith learned the law must be clarified to ensure SROs that work for police departments (not just SROs employed by school districts) are also eligible to receive this waiver.

Recommended Solutions:

- **Create a statewide SRO Training and Certification Program (similar to A.9432; Byrnes), and require annual recertification.**
- **Expand “211 waiver” eligibility to also apply to SROs employed by police departments pursuant to a contract with a school district.**

Trooper SRO Program

The New York State Police originally started its SRO Program as the result of a U.S. Department of Justice Office of Community Oriented Policing Services “2000 COPS in Schools Grant” in 62 districts, expanding throughout the State over time.

Initially, 35 Troopers received their certifications as SROs and were sent to 63 schools across the State. These Troopers worked full time with students, staff, and parents to improve school safety. They helped schools develop safety policies, identify problem areas for remediation, and investigate crimes.

In 2010, due to budget cuts, the New York State Police was forced to end its SRO Program,⁸ leaving many school districts to find a way to implement the service provided by the SROs on their own. At the close of the school year in June 2010, 90 SROs were withdrawn from 115 school districts across the State.

Recommended Solution:

- **Reinstate the State Police SRO program that was eliminated in 2010.**

New York City School Safety Agents

In 1998, under Mayor Giuliani, the New York City Board of Education transferred responsibility for school safety to the NYPD.⁹ In 2006, NYPD school safety agents were classified with Civil Service status, with the first civil service exam administered in 2007.

School safety agents are designated as New York City special patrolmen and are classified as peace officers under State Criminal Procedure Law, but are unarmed. School safety agents can make warrantless arrests, carry and use handcuffs, and use physical force or deadly force, if necessary, to keep students, teachers, staff, and fellow agents safe.

8 https://buffalonews.com/news/state-police-will-end-role-in-schools-paterson-budget-plan-linked-to-decision/article_8c68ae63-368b-51a0-b789-716ec74694e7.html

9 <https://nypost.com/2020/06/10/ex-nyc-mayor-rudy-giuliani-opposes-booting-nypd-from-schools/>

“School safety agents are assigned to the NYPD Police Academy for up to 17 weeks. Training topics include law, police science, behavioral science, and physical training.”¹⁰ NYPD Inspector Timothy Wilson said these agents are not contracted out, they work for the City and are completely under the control and jurisdiction of the NYPD, although they do work with the New York City Board of Education with respect to some policies.¹¹

A model of this sort is unique to New York City, and is not in place throughout the rest of the State. Unfortunately, as mentioned by the New York City Department of Education Security Director Mark Rampersant, New York City is experiencing a major shortage of school safety agents due to low wages. Director Rampersant requested discussions take place concerning the implementation of a prevailing wage to make this profession more competitive with others.

“We expect them to put their lives on the line such as the case with our partners in blue, but we don’t want to pay them the right wage to do that.”

– Mark Rampersant

Recommended Solution:

- **Create a statewide school safety agent program modeled after the existing NYC Program.**

Mandate School-Specific Training

At the Long Island Forum, participants expressed concern that individuals may not understand there is no mandated, school-specific, security guard training in New York State. While there is a general New York State Security Guard certification training, there is no distinction between school security and warehouse security. Recalling the tragic school shootings that have occurred across the country, Jim Kiernan, Retired Lieutenant for the Village of Hempstead Police Department, former Director of School Safety for the William Floyd School District, and former School Board President, stated in almost every case, there were clear warning signs that were missed or ignored. He stressed the need for school-specific training for school security to better recognize these warning signs:

“Those who work in schools are acutely aware of the special skill sets required to handle students, parents, staff, and visitors. Factors like bullying, gang violence, drug use, and mental health disorders all adversely impact schools. All could be better managed with properly-trained school security guards.”

– Jim Kiernan

Currently, three states have school-specific security guard training programs: California, Pennsylvania, and Virginia. Recognizing “one-size-does-not-fit-all” and a school’s need for flexibility, Mr. Kiernan suggested New York State implement a three-tiered system, thereby giving schools the option of three security levels to meet their needs, all with mandated

¹⁰ <https://www.nyc.gov/site/nypd/careers/civilians/school-safety-agents.page>

¹¹ <https://youtu.be/iET8FDC3xHc?t=3035>

school-specific training to provide uniformity. A.9432 of 2022 (Byrnes) could be amended to implement this suggested proposal:

Multi-Tiered Proposal

- | | |
|----------------|--|
| Tier Level 1 - | On-duty, armed resource officer (police officer) |
| Tier Level 2 - | Retired police officer, SRO training, recertification, peace officer status, increased earnings cap (as proposed previously) |
| Tier Level 3 - | Trained security guards with mandated (but modified) SRO training, unarmed |

Recommended Solution:

- **Establish a school-specific, Security Guard Training and Certification Program in New York State, utilizing a multi-tiered approach for greater flexibility.**
 - **Consider partnering with the New York State Police and National Association of School Resource Officers when designing the program.**

Making a Threat of Mass Harm

At the Clifton Park forum, Saratoga County Sheriff Captain Daniel P. Morley referenced the recently enacted Penal Law §240.78 (making a threat of mass harm). The text of this crime states:

“A person is guilty of making a threat of mass harm when with the intent to intimidate a group of people or to create public alarm, such person threatens to inflict or cause to be inflicted, serious physical injury or death at a school, place of worship, business, government building, or other place of assembly, and thereby causes a reasonable expectation or fear of serious physical injury or death, or causes the evacuation or lockdown of a school, place of worship, business, government building, or other place of assembly.”

According to Captain Morley, although the new law allows law enforcement to act more appropriately when making a threat of mass harm charge, the law is only punishable as a class B misdemeanor, which is a lesser offense than stealing a pack of gum (a class A misdemeanor). Further, a class B misdemeanor is the absolute lowest level of criminal conduct under our laws and not bail eligible.¹²

Furthermore, the Captain explained the manhours necessary to investigate the offenses of Making a Threat of Mass Harm and Aggravated Threat of Mass Harm and the resulting public panic are not even remotely proportional to the potential penalties for violating these laws. The statute is effectively worthless in terms of both deterrence and punishment when combined with bail reform and the Raise the Age laws:

“We have seen a significant uptick in calls involving threats at schools whether made via social media, in person, writing on walls inside of the schools or other means. Each of these calls results in a significant devotion of resources to investigate. In short, we cannot afford to be wrong about the validity of a threat.”

– Captain Daniel P. Morely

Recommended Solutions:

- Increase penalties for the crimes of Making a Threat of Mass Harm and Aggravated Threat of Mass Harm.

The Negative Impact Raise the Age has had on the Safety and Security of our Schools

Forum participants emphasized the negative impact that Raise the Age has had on the safety and security of our schools. For example, at the Staten Island forum it was mentioned current laws state a student who is arrested on a Monday for bringing a firearm to school can return to school on Wednesday. Raise the Age has made it very difficult to implement appropriate consequences and hold students accountable when they are clearly aware of and in control of their actions. Specifically, as previously stated by Captain Morley, the Raise the Age laws, combined with bail reform, provide little to no deterrence and punishment with respect to students committing crimes such as making a threat of mass harm.

In her written testimony,¹³ Saratoga County District Attorney Karen A. Heggen offered, “With the implementation of Raise the Age, most of the students who are in school are now only subject to review and oversight of any violation of law by Family Court. Even if a person over age 16 has committed a serious offense, the requirements to show ‘extraordinary circumstances’ in order for my office to continue to prosecute has resulted in very few serious matters being handled in criminal court.”¹⁴

13 <https://drive.google.com/file/d/1eXY7uk6l-21MK21iu9FdVaGG2uGAmvZu/view>

14 <https://drive.google.com/file/d/1eXY7uk6l-21MK21iu9FdVaGG2uGAmvZu/view>



As a result, the DA's office is often seeing 18-year-olds committing serious offenses, having had little-to-no prior oversight or supervision for offenses committed when they were under age 18.

Supporting these concerns, Task Force Co-Chairmen Giglio and Reilly reported the minimum age baseline was raised from age 7 to age 12 effective January 2023, therefore further expanding the problems created by the Raise the Age laws. Under this new law, 7- to 11-year-old children will no longer be subjugated to the Family Court and juvenile justice systems (2021: S.4051-A, Chapter 810). In addition to amending or repealing the Raise the Age laws, legislation has been introduced (A.3167; Reilly) to permit an Adolescent Offender (AO) who possesses a loaded firearm to be tried in the Youth Part of Criminal Court.

Recommended Solutions:

- **Enact (A.3167; Reilly) to permit an Adolescent Offender (AO) who possesses a loaded firearm to be tried in the Youth Part of Criminal Court.**
 - **Pursuant to Raise the Age, under current law, when a 16- or 17-year-old AO is charged with a violent felony offense, a DA must prove “extraordinary circumstances” to prevent the case from moving out of criminal Youth Part and into Family Court. This bill would include the possession of a loaded firearm as one of the extraordinary circumstances to ensure that the defendant does not escape criminal responsibility by being removed to Family Court or juvenile probation intake.**

Addressing Mental Health Issues in Schools

In order to have an open and honest discussion concerning safety in schools, the mental well-being of students must be addressed. This sentiment was echoed by many participants. For example, Dr. Robin DeLuca-Acconi quoted a survey respondent from the NYS School Social Workers Association where it stated, “Our children are walking around riddled with anxiety, depression, suicidal ideation, high absenteeism, no pride for anything, and ready to fight all the time.”¹⁵

In 2022, the CDC released a report on the state of students’ mental health. According to the report, “In 2021, more than a third (37%) of high school students reported they experienced poor mental health during the COVID-19 pandemic, and 44% reported they persistently felt sad or hopeless during the past year.”¹⁶ This information merely highlights a ten-year trend that has been exacerbated over the past few years. Between 2009 and 2019, there was a 40% increase in high school students who reported persistent feelings of sadness or hopelessness.¹⁷ This trend must be reversed. At the forums, stakeholders, professionals, and Task Force members discussed several key areas in which New York State might offer better assistance.

Strengthen the Pipeline of Mental Health Professionals and Social Workers

According to a study published in 2020,¹⁸ less than half of students who are impaired by a mental health condition will receive treatment for their condition, and of those who do receive care, most receive fewer than four sessions of care in community mental health settings. The author of this paper goes on to state, “Schools are the optimal setting to identify, manage, and sustain progress for children with mental health problems. An ever-growing body of evidence indicates that integrating mental health supports and services directly within the school setting is an effective delivery system for child mental health programming.”¹⁹

However, based on feedback, schools are struggling to fill empty mental health support positions with qualified professionals. For example, Brita Donovan, Superintendent of Schools for the Galway Central School District, offered the district had, “one school psychologist applicant for two open positions.” The importance of professionals who help students with their mental health cannot be overstated. Access to proper mental health services for students has been linked to early identification of mental illness and reduced absenteeism, especially for lower-income homes and children of color.²⁰ In order to offer the type of help necessary to support students’ mental health needs and receive their Master of

15 <https://drive.google.com/file/d/1t0-0ALXxHyG7HRDERVFLsJuwQdw-pBo/view>

16 <https://www.cdc.gov/media/releases/2022/p0331-youth-mental-health-covid-19.html>

17 <https://www.cdc.gov/nchhstp/newsroom/docs/factsheets/dash-mental-health.pdf>

18 <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201900575>

19 <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201900575>

20 <https://www.kff.org/other/issue-brief/the-landscape-of-school-based-mental-health-services/>

Social Work degree, social workers must participate in 900 internship hours over the course of two years.²¹ This is a serious time commitment and can become difficult while also trying to maintain a family and care for their own needs.

Testimony from the NYS School Social Workers' Association offered insight into how this problem might be addressed: "To increase workforce capacity, NYS could facilitate paid internships, tuition reimbursement and other financial incentives."²² In order to better help vulnerable students and create the safe environment they need to receive a proper education and foundation for a healthy life, mental health professionals and social workers need greater support.

Recommended Solutions:

- **Ease qualification restrictions for those looking to receive Social Work degrees or certifications.**
- **Provide financial incentives for mental health professionals, school psychologists, and social workers who specialize in child development.**
- **Explore utilizing youth apprenticeship programs and early career pathways to provide early exposure and credited training to those interested in these vital careers.**

Helping Students Attain Access to Services and Streamlining Information Sharing Between Concerned Parties

According to the Harvard University Center on the Developing Child, "Toxic stress can impair school readiness, academic achievement, and both physical and mental health throughout the lifespan. Circumstances associated with family stress, such as persistent poverty, may elevate the risk of serious mental health problems."²³ By improving access for children to services designed to assist them with these problems, both at home and at school, we will make strides to circumvent future disasters. The first step, as stated previously, is filling vacant positions in schools with mental health professionals. However, more must be done.

In December 2021, the U.S. Surgeon General issued an advisory on youth mental health after the COVID-19 pandemic.²⁴ Throughout the advisory, the Surgeon General suggests ways in which educators and school staff can assist students with their mental health needs. Among these suggestions are learning how to recognize the signs of changes in mental and physical health among students. Teachers and other school personnel are often the most likely to notice changes in behavior and, therefore, can assist in providing students with the connections to vital necessary services.

21 https://drive.google.com/file/d/1t0-0ALXxHyG7HRDERVFLeSjuwQdw-pBo/view?usp=share_link

22 https://drive.google.com/file/d/1t0-0ALXxHyG7HRDERVFLeSjuwQdw-pBo/view?usp=share_link

23 <https://developingchild.harvard.edu/science/deep-dives/mental-health/>

24 <https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic.html>

At the Staten Island event, Mark Rampersant made a point that keeping schools safe is a collective responsibility.

“We have a fundamental obligation to keep our schools safe, and when I say ‘we’ I’m talking about the collective ‘village.’ I’m talking about...the community partners and stakeholders outside of our schools have a fundamental responsibility to work with this principle right here...”

— Mark Rampersant

Furthermore, Bob Vecchio, Executive Director of the Nassau/Suffolk School Board Association, stated in his testimony, schools on Long Island have been investing heavily into social workers and mental health professionals in schools to intervene in any mental health issues early in a child’s development. However, Mr. Vecchio stressed that it “can’t just be school days, it’s got to be that warm handoff of the social worker then working with a community-based provider to go beyond the services that would be provided at school.” This point was echoed throughout the Task Force events and is reiterated in the Surgeon General’s advisory. By offering a tiered support system, schools and communities can provide a foundation of support services for students when they most need it, not at a point that may be too late.

To facilitate community involvement in school safety and mental health, proper channels of communication are vital. As the Galway Superintendent of Schools Brita Donovan stated, “The Superintendent of Schools should not have to plead, yell or threaten to have a student approved for transportation to a mental health facility. School personnel know their students, and when they ask for help, they should be taken seriously.”

Under the rules of the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA), with proper consent from parents, the sharing of information between physicians, therapists, social workers, school administrators, and other concerned parties is allowed. Furthermore, there are instances where personal health information may be shared between school officials and outside physicians, such as times of crisis where there is a belief that a student might be a danger to themselves or another person, without parental consent.



Proper sharing of vital information between parties can ensure that a student is receiving the best access to mental health care available, and that all parties concerned remain informed. Understanding the complexities of the consent necessary to share this information can be daunting for school officials. New York State should offer more guidance and encourage school mental health officials to seek out the necessary consent from parents of students receiving in-school and out-of-school care.

In times of crisis, it is important that students receive the care they need and receive that care as quickly as possible. For example, Dr. Michael Prezioso, Commissioner of the Saratoga County Director of Community Services, testified that under section 9.45 of the Mental Hygiene Law, certain people are eligible to make reports that a person needs a mental health evaluation and should be delivered to a hospital; however, emergency services personnel are not included on that list of people allowed to make that call for a pickup order. Ensuring that paramedics and other emergency medical technicians can make that call would allow professionals who know what a student needs in a moment of crisis to take the necessary steps for that student to receive care as quickly as possible. It is important for students to have all avenues to receive proper mental health care open to them. New York State must add another layer of protection to schools and provide a safe, nurturing environment a student needs to succeed in both their education and life.

Recommended Solutions:

- **Ensure staff is properly trained in trauma assistance.**
- **Provide helpful information pamphlets to bus drivers.**
- **Develop community partnerships between schools and outside mental health organizations.**
- **Ensure that telehealth services are offered for regions that lack outside mental health programs/organizations.**
- **Ensure comfortable and private locations at school to take advantage of telehealth appointments.**
- **Ensure funding options for students to seek help from mental health services.**

Recommendations for Open Communication Between Stakeholders:

- **Amend section 9.45 of the Mental Hygiene Law to authorize emergency first responders to report to the County Director of Community Services that an individual has a serious mental health issue that necessitates immediate care/ treatment in a hospital.**
 - **Currently, only certain people, such as parents, siblings, mental health professionals, peace officers, and law enforcement, may make a call for a person to be picked up for a mental health evaluation at a hospital.**
- **Require the State Education Department to create guidance on how to receive proper consent for mental health providers to share sensitive but vital information with school officials regarding students' mental health in regard to school safety within the scope of HIPAA and FERPA.**
- **Work with federal colleagues in Congress to update HIPPA and FERPA to allow for a simplified process of sharing vital mental health information between providers and school districts.**

Innovative State Support for School Safety and Security

At the forums, a number of stakeholders from across New York conveyed ideas that would establish new initiatives and expand upon existing resources to enhance school safety and security. From creating a new State Division of School Safety and Security to expanding requirements of statewide school emergency response plans, the State could lead the country in combatting violence in schools. Tragic events in schools across the country highlight the need for New York to make the safety and security of students one of its top priorities.

Currently, New York State offers a patchwork of information on school safety and security through various laws and agency programs. While the New York State Education Department provides resources and school safety information through an outside organization known as the New York State Center for School Safety, the State should improve upon this by creating a centralized resource that's available to school districts, parents, and students across the State. New York also has available resources within various agencies that could better prepare school districts for an emergency and help provide localities the flexibility they need to respond in kind.

“New laws and policies must absolutely give local education leaders and first responder partners the authority and capacity to adapt [...] to the sensitivities of schools, families, and communities they serve.”

– Dr. Oliver Robinson
Superintendent of Shenendehowa School District



One of the ways the State encouraged this local flexibility was by unanimously passing “Alyssa’s Law.” This bipartisan legislation (A.10018)²⁵ requires school districts to consider installing a panic alarm system as part of their reviews of the district-wide safety plans. While requiring the districts to look at this option, it still allows individual districts to make the decision on what is best for their own students and staff.

Recommended Solutions:

- **Create the New York State Division of School Safety and Security and task them with identifying existing school safety resources and creating a centralized clearinghouse of information.**
 - The clearinghouse of information would be easily accessible and would include information on available State funding, best practices, and training for school staff, students, and parents.
- **Tap into existing State & Federal resources**
 - Utilize State Police Social Media Analysis Unit to identify potential threats to schools.
 - Streamline communication between State Police and local law enforcement agencies when threats are identified. Require notification of threats to school districts within a certain amount of time.
 - Work with the Division of Homeland Security & Emergency Services to offer emergency management trainings to school officials at the New York State Preparedness Training Center.
 - Require school officials involved in emergency management and planning to take FEMA trainings to become familiar with Incident Command Systems (ICS).
- **Expand Requirements of Statewide Emergency Response Plans**
 - Currently, school districts have the option of submitting their school safety plans to New York State School Safety Improvement Teams. The State should require these reports to be submitted on an annual basis to ensure safety plans are sufficient in providing a safe learning environment.

“There has to be more coordination and cooperation between school districts and outside agencies.”

– Brita M. Donovan, Ed. D

25 <https://nyassembly.gov/leg/?bn=a10018>

Identifying Threats and Providing Support to At-Risk Students

Participants highlighted the importance of proactively identifying threats to school buildings and the community prior to the threats materializing. Across the State, stakeholders identified numerous obstacles that inhibit school and safety officials from collaborating with community partners to identify threats and provide support to the parties at risk.

One approach used by some local leaders to actively identify threats to the school community includes regular meetings of community-based threat assessment teams. Such teams offer a multidisciplinary approach to responding to threats by leveraging the expertise of public safety, mental health, and social workers to make an informed assessment of an identified threat posed to the school community. Stakeholders identified multiple ways in which these threat assessment teams could be enhanced, including through the establishment of an anonymous tip-line which could be used by the school community to confidentially report online and offline threats to local authorities.

However, there is currently no centralized tip-line that is maintained at the State level to aggregate data reported to local authorities. Instead, decentralized programs such as the Tip411 Program, which is used by schools in the Central New York region, allow community members to confidentially report threats directly to the Onondaga County Sheriff's Office, which then responds to the reported threat in conjunction with the Onondaga County District Attorney.

Following the May 14, 2022 attack at the Tops Supermarket in Buffalo, Erie County Sheriff John C. Garcia worked with the Executive and the Legislature to further embrace this approach by creating a new Behavioral Threat Assessment Team (BTAT) tasked with preventing such acts of mass violence.²⁶ By increasing cooperation with federal, regional, and local partners, team members have received training in threat assessment and threat management from the Department of Homeland Security, cyber intelligence and forensics training from the Secret Service, and a threat assessment training in Rochester from the Federal Bureau of Investigation (FBI).²⁷ As a result of this work and collaboration, the BTAT has investigated 22 cases since going live in October,²⁸ including a case in December 2022 that helped prevent a pathway to violence at a school district in Southern Erie County.²⁹ This model could be applied across the State, providing a roadmap about how localities could prevent violence in schools and communities going forward.

Another approach utilized by stakeholders to address security concerns is regular meetings referred to as “community cafés,” where parents and community members gather for parent-led discussions around school safety and various other concerns. One valuable component

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of “community cafés” is parental education, which helps parents develop skills and share best practices on how to effectively mediate in their childrens’ lives. These community meetings also create a bi-directional relationship between parents and school officials where all participants can share ideas about how school communities can better protect the welfare of students. This approach differs from the traditional model of school authorities taking a top-down approach to school safety plans, which inherently exclude parental involvement in the decision-making process.

In addition to finding ways to leverage the capacity of community members to enhance school safety plans, the Assembly Minority Conference has proposed various measures to proactively identify threats made to students. One measure is Jacobe’s Law (A.2231, Walsh), which requires school administrators to contact parents when bullying or harassment has occurred. Jacobe’s Law has two immediate effects that would improve school security climates: it creates a tighter feedback loop between students, parents, and teachers, which can streamline the process of identifying immediate threats to student and school facility safety; and it improves the efficacy of the Dignity of All Students Act by empowering teachers and principals to speak with the families of students accused of bullying to resolve concerning behavior prior to notifying local law enforcement, as is currently required by statute.

The Assembly Minority Conference has also proposed legislation (A.4802 of 2022, Smith) to prohibit elementary or secondary schools from being used as a polling site for elections, which by extension represents an attempt to proactively prevent bad actors from having unrestricted access to school buildings and occupants. As noted by the New York State School Boards Association,³⁰ the practice of co-locating polling sites in school buildings provides unfettered access to school buildings and students unless the district closes the building.

The consequences of the policy to house polling sites in school buildings demonstrate the disruption it causes in students’ lives. If school buildings remain open to students on Election Day or any other day when elections occur, including for primaries or special elections, there is no way to comprehensively and totally inhibit interactions between the public and students. If schools close, students who rely on schools for meals and/or oversight while their guardians are at work lose access to these vital services, which can endanger student safety outside of school. This common-sense reform would make parents comfortable sending their students to school on days in which elections occur and improve student outcomes.

30 NYSSBA Schools-polling-places-letter-01162019

Recommended Solutions:

- Empower and encourage school districts to establish or utilize anonymous tip-line services so that students and community members can confidentially report threats concerning school safety and security;
- Utilize the Erie County Behavioral Threat Assessment Team as a model for other localities across the State;
- Review both in-school and out-of-school suspensions and the effects on the student academically, socially, emotionally, and psychologically;
- Encourage school communities to establish “community cafés” where parents and community members can get involved in establishing school safety plans and procedures;
- Enact Jacobo’s Law (A.2231; Walsh), which requires school administrators to contact parents when bullying or harassment has occurred; and
- Enact (A.4802 of 2022; Smith), which prohibits any elementary or secondary school from being used as a polling site for any election.



Hardening Infrastructure at Schools

Across the State, a common request among stakeholders involved in school safety and security planning was to provide additional funding from the State for projects related to hardening school infrastructure. Participants noted existing funding streams and programs do not offer enough of an incentive for school districts to undertake hardening projects and ultimately leave some districts less prepared to respond to threats to their facilities due to dilapidated infrastructure. To understand why programs are inefficient in their current form, it is important to grasp how funding formulas are calculated and programs are implemented.

Undertaking capital projects is a resource-intensive process for school districts that requires significant strategic planning by school district officials. These projects require explicit coordination between school districts, voters, the State Education Department, and construction contractors. The process also requires implicit coordination with the local and national economy, as construction projects utilize debt financing that is tied to interest rates and the cost of labor. Failing to coordinate efficiently with all the various counterparties involved can inhibit a school district from undertaking construction projects due to the marginal costs of inefficient capital allocation.

Beyond coordination complexities, the process of applying for State Building Aid within this multi-layered structure is also difficult. When school districts claim State Building Aid from the State Education Department, they are requesting reimbursement from the State that is contingent upon the relative wealth of their district and the total expenditures associated with a specific construction project. This formula provides a sliding scale of reimbursement that is ultimately tied to the income of taxpayers within a school district's boundaries and prioritizes the allocation of funds to lower-wealth districts relative to higher-wealth districts.

In addition to normal State Building Aid, the New York Secure Ammunition and Firearms Enforcement (NY SAFE) Act included provisions to allow school districts to receive up to an additional 10% of State Building Aid for a variety of safety purposes. Eligible use cases for these funds includes the purchase of stationary metal detectors, security cameras, safety devices for electrically operated partitions, and hardened doors. Like normal State Building Aid, this enhanced aid considers the relative wealth of the district when formulating funding allocations for school safety projects. Increasing this enhancement would further incentivize school districts to undertake additional school safety projects.

In the process of claiming both State Building Aid and enhanced NY SAFE Act Aid, a cash-flow issue may arise for some districts as neither aid addresses the significant base-year costs associated with building and safety projects. Once a school district successfully navigates the pre-construction process of developing cost estimates and submitting them to the State Education Department, it must next identify revenue for the school's share of the construction project costs. Although school construction project expenditures are generally amortized, this revenue sourcing must cover the construction costs in the base year of the project since State reimbursement does not provide amortized cash-flow until the second year of the project. This revenue sourcing step often presents a challenge for school districts and prevents many projects from getting off the ground.

To address this concern, the State Education Department established the Capital Outlay Program in 2002, which provides reimbursement to school districts for the base year expenditures related to certain construction projects. Parameters of projects that are eligible for this funding include capital projects with a total project cost of less than \$100,000; emergency construction projects that are necessary due to a catastrophic natural event; or if a bonded project would cause a small city school district to exceed 95% of its constitutional debt limit. The intent of the program is to assist school districts with cash-flow concerns that would inhibit them from undertaking certain construction projects due to significant up-front costs in the base year.

While the Capital Outlay Program ameliorates some of the concerns around cash-flow and Building Aid, participants testified that the project cost threshold should be increased from the current level of \$100,000 to at least \$250,000. Increasing the threshold would qualify additional school construction projects, including those related to school safety and security, to receive reimbursement from the State for base year expenditures on projects necessary to ensure the health and safety of students and teachers.

Recommended Solutions:

- **Increase the threshold of projects eligible for funding from the Capital Outlay Program from \$100,000 to \$250,000.**
- **Increase the enhanced Building Aid incentive for school safety projects from 10% to 15%.**



Recommended Solutions

Increasing Law Enforcement Presence In Schools

- Increase/remove salary limitations for retired police officers returning to public employment as School Resource Officers (SROs).
- Create a statewide SRO Training and Certification Program (similar to A.9432 of 2022; Byrnes) and require annual recertification.
- Expand “211 waiver” eligibility to also apply to SROs employed by police departments pursuant to a contract with a school district.
- Reinstate the State Police SRO program that was eliminated in 2010.
- Create a statewide School Safety Agent program modeled after the existing NYC Program.
- Establish a school-specific, Security Guard Training and Certification Program in New York State, utilizing a multi-tiered approach for greater flexibility.
- Increase penalties for the crimes of Making a Threat of Mass Harm and Aggravated Threat of Mass Harm.
- Enact (A.3167; Reilly) to permit an Adolescent Offender (AO) who possesses a loaded firearm to be tried in the Youth Part of Criminal Court.

Addressing Mental Health Issues in Schools

Strengthen the Pipeline of Mental Health Professionals and Social Workers

- Ease qualification restrictions for those looking to receive Social Work degrees or certifications.
- Provide financial incentives for mental health professionals, school psychologists, and social workers who specialize in child development.
- Explore utilizing youth apprenticeship programs and early career pathways to provide early exposure and credited training to those interested in these vital careers.

Helping Students Attain Access to Helpful Services and Streamlining Information Sharing Between Concerned Parties

- Ensure staff is properly trained in trauma assistance.
- Provide helpful information pamphlets to bus drivers.
- Develop community partnerships between schools and outside mental health organizations.
- Ensure that telehealth services are offered for regions that lack outside mental health programs/organizations.
- Ensure comfortable and private locations at school to take advantage of telehealth appointments.
- Ensure funding options for students to seek help from mental health services.

Open Communication Between Stakeholders

- Amend section 9.45 of the Mental Hygiene Law to authorize emergency first responders to report to the County Director of Community Services that an individual has a serious mental health issue that necessitates immediate care/treatment in a hospital.
 - Currently, only certain people, such as parents, siblings, mental health professionals, peace officers, and law enforcement, may make a call for a person to be picked up for a mental health evaluation at a hospital.
- Require the State Education Department to create guidance on how to receive proper consent for mental health providers to share sensitive but vital information with school officials regarding students' mental health in regard to school safety within the scope of HIPAA and FERPA.
- Work with federal colleagues in Congress to update HIPPA and FERPA to allow for a simplified process of sharing vital mental health information between providers and school districts.

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- Encourage school communities to establish community cafés where parents and community members can get involved in establishing school safety plans and procedures.
- Enact Jacobe's Law (A.2231; Walsh), which requires school administrators to contact parents when bullying or harassment has occurred.
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Hardening Infrastructure at Schools

- Increase the threshold of projects eligible for funding from the Capital Outlay Program from \$100,000 to \$250,000.
- Increase the enhanced Building Aid incentive for school safety projects from 10% to 15%.

Task Force Events

Long Island Regional Forum - October 19, 2022; 6-8 p.m.

Location: St. Joseph's University, O'Connor Hall Auditorium, 155 W. Roe Blvd., Patchogue, NY 11772

Staten Island/NYC Regional Forum - October 20, 2022; 6-8 p.m.

Location: Public School 8, 112 Lindenwood Rd., Staten Island, NY 10308

Central New York Regional Forum - October 26, 2022; 6-8 p.m.

Location: Onondaga-Cortland-Madison BOCES' Main Campus, Small Seneca Conference Rm., 110 Elwood Davis Rd., Liverpool, NY 13088

Rochester Regional Forum - October 27, 2022; 6-8 p.m.

Location: Ogden Town Hall, 269 Ogden Center Rd., Spencerport, NY 14559

Capital Region Forum - November 2, 2022; 6-8 p.m.

Location: Clifton Park-Halfmoon Public Library, Room C, 475 Moe Rd., Clifton Park, NY 12065

