



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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October 27, 2016

Hon. Thomas P. DiNapoli
New York State Comptroller
110 State Street, 14th Floor
Albany, NY 12236

Re: Response to Final Audit Report - Oversight of School Fire Safety (2015-S-86)

Dear Comptroller DiNapoli:

In August 2016, the Office of the State Comptroller issued a review of the New York State Education Department's ('the Department') oversight of fire safety in school buildings. The report made several recommendations. The Department appreciates the review and has begun to implement some of its suggestions – and to do other work that will enhance the safety of our students, staff and visitors to school buildings in New York. This is a priority. There have been no student fatalities due to fire in a public school in New York since the 1950's, and it is the Department's intent to continue to support and improve upon this excellent multi-decade safety record.

In recent years, the Department has worked closely with the New York State School Safety Improvement Team (Team). The Team, which is composed of staff from the Governor's Office, New York State Police, New York State Education Department, New York State Division of Homeland Security and Emergency Services (which includes the Office of Fire Prevention), and the New York State Division of Criminal Justice Services, has collaborated on a broad set of improvements to school safety, a term which includes, but is not limited to, fire safety. This collaboration includes the implementation of amendments to Education Law §§ 2801-a and 807 made under Chapter 54 of the Laws of 2016, the 2016-17 Enacted Budget. These amendments took effect on July 1, 2016.

Changes include new requirements that schools conduct four lockdown drills each year, that each district must appoint a chief emergency officer, and that all school staff must receive mental health training each school year. Consistent with the statutory changes, the Board of Regents adopted, as an emergency measure, amendments to Commissioner's regulation §155.17 to conform to the legislative changes to Education Law §§ 2801-a and 807 at its June meeting. These changes, which affect both fire safety and protection from other threats, included:

- Revisions to make the language of the Commissioner's regulation consistent with the amended statute;

- The date by which the board of education must adopt or amend districtwide school safety plans and building-level emergency response plans each school year was changed from July 1 to September 1, beginning with the 2016-17 school year to ensure that schools had accurate information available about staff and students when developing their plans;
- The date by which the building-level emergency response plan must be submitted to the New York State Police and local law enforcement is still within 30 days of adoption. However, such submission must occur no later than October 15;
- The date by which staff must receive annual school safety and school violence prevention training that also includes training in mental health, is September 15.

In addition to the statutory and regulatory changes noted above, in the 2016-2017 school year, the Department is requiring all schools to develop their building-level emergency response plan using the template developed by the New York State Police and approved by the New York State School Safety Improvement Team. The development and use of a single emergency response template will allow first responders ready access to essential information in the event of an emergency. This template is now available from the New York State Safe Schools at <https://safeschools.ny.gov/> and work is ongoing to allow it to be submitted through the Department's Business Portal – further easing use by first responders in the event of emergency, streamlining submission by schools and increasing NYSED's capacity to analyze the contents.

The Department continues its efforts to fulfill its responsibility to protect the occupants of all our buildings from fire and other risks to their safety. In order to do so, we have seriously considered the State Comptroller's recommendations, as well as making internal changes to staffing, such as the creation of an inter-office school safety improvement team with dedicated staff, to reflect our commitment.

NYSED Responses:

- 1) **Develop a risk-based approach for verifying, by site visit or other means, whether information provided in fire inspection reports is accurate and schools are complying with fire safety requirements.**

The Department agrees with this recommendation. We currently use an electronic system to manage the annual tracking of fire inspections and issuance of certificates of occupancy for the over 5,000 public school district owned buildings in the State. The Office of the State Comptroller reviewed and commented on an early version of this system, recommending upgrades. Improvements to the system have since been made that allow Department staff to do risk-based analysis on district submissions and allow us to focus on problem areas that may be worthy of follow up, including site visits and reviews of records of emergency drills by our safety team.

The implementation of the system that will allow school districts to submit emergency response plans through the NYSED Business Portal will supplement the Department's capacity to analyze districts' compliance with statute and regulations.

2) Develop and implement actions to follow up with non-compliant private schools to encourage and improve their submission of annual fire safety inspection reports.

The Department agrees with this recommendation. However, we note that the rigor of the oversight provided here is somewhat constrained by the Department's limited legal authority over nonpublic schools. Although legal authority is limited, the Department has already implemented several steps during 2016 to improve compliance. These include:

- Consultation with the Department of State regarding the qualifications of inspectors;
- Earlier and frequent notification of nonpublic schools, through multiple modes, of the inspection requirements;
- Conducting a school safety workshop at the annual conference of nonpublic school administrators;
- Better tracking of inspection submissions;
- Work with leaders of nonpublic school communities to encourage compliance;
- Directing that non-compliant buildings be inspected by local authorities;
- Recommending to nonpublic school leaders that a School Safety Task Force be created to enhance and extend nonpublic school leaders' knowledge of school safety, including fire safety, and compliance with best practices and state and local law.

3) Develop, in conjunction with information technology staff, the capabilities and data reliability of the new fire inspection data system, so that it can be used to easily access, analyze, and generate management reports on relevant inspection information for all schools.

The Department agrees with this recommendation and, as noted above, has already completed work to implement many of these changes. The new system will allow the automatic generation of reminder letters, improve access to data on public school submissions to the fire safety system and will create a dashboard. The current system is only in its second year of use, so as time goes on and the electronic system matures, the presence of historical data in the system will enable significant improvements in analytical capacity.

Conclusion:

New York State public schools have an excellent record in protecting the safety of their students from fire and other threats to their physical safety.

The Department has no intention of resting on this excellent, and recent changes to state law have made it clear that the State itself supports continued improvement in our effort to keep students safe. We point to the ongoing work to create an inter-office school

safety team, including fire safety, and to upgrade the information technology tools available to do the work. We are also proud of our collaboration on school safety with our local public school districts and BOCES, non-public school leaders, local law enforcement and other first responders, and the other state agencies, such as the New York State Police, the Department of State and the New York State Division of Homeland Security and Emergency Services. Our work continues, and we appreciate the perspective offered by the State Comptroller's report.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Cates-Williams".

Sharon Cates-Williams

c: Steve Goss
Michele Turmel
Beth Berlin
Jhone Ebert
Christina Coughlin
Rosanne Groff
Thalia Melendez