

shall include, at a minimum, the description of plans of action for *students and staff, and the recommended emergency response action in response to potential threats and hazards including, but not limited to threats that may require evacuation, [sheltering] shelter/shelter-in place, [lock-down] hold/hold-in place, secure lockout, or lockdown*, evacuation routes and shelter sites, [and] procedures for addressing medical needs, *considerations for the access and functional needs of students and staff*, transportation and emergency notification to *parents or persons in parental relation to a student, and procedures for reunification of students with parents or persons in parental relation following an emergency*;

Final rule as compared with last published rule: Nonsubstantial changes were made in section 155.17(c)(1).

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Revised Regulatory Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on May 1, 2024, the Department made two non-substantial revisions to the proposed rule. First, the proposed rule has been revised to clarify that the required training procedures for conduct of drills include if classrooms will be released from lockdown by law enforcement or school or district administrators during drills. Second, the wording in the definition of the term “Secure Lockout” was rearranged, so that it was clear that students and staff remain inside school buildings that are locked and secured.

The above revisions to the proposed rule do not require any revisions to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on May 1, 2024, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

Such revisions to the proposed rule do not require any revisions to the previously published Regulatory Flexibility Analysis.

Revised Rural Area Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on May 1, 2024, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

Such revisions to the proposed rule do not require any revisions to the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on May 1, 2024, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The aforementioned revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement since the revised proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the revised proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act, and one has not been prepared.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Since publication of a Notice of Proposed Rule Making in the State Register on May 1, 2024, the State Education Department received the following comments:

COMMENT:

Several commenters noted it would be preferable if there were no changes to the emergency response terms, noting that these changes may cause added confusion. Commenters requested that the proposed change in emergency response terms change the term “Lockout” to “Secure” or something other than the proposed “Secure Lockout.” Additionally, several commenters noted that it would be preferable if such term were to remain “Lockout.”

DEPARTMENT RESPONSE:

Prior to putting forth proposed amendments to Commissioner’s Regulations § 155.17, the Department sought input from school districts, school and board of cooperative educational services (BOCES) administrators and staff, state and local law enforcement, stakeholders, and experts in education and emergency response planning as well as the Safe Schools

Task Force and School Safety Improvement Team (SSIT) regarding the current terminology and practices in schools in New York and nationwide. The majority of the input was supportive of changing the term “Lockout” to “Secure Lockout.” Therefore, no change is necessary.

NOTICE OF ADOPTION

Social Work and Mental Health Practitioner Supervision Requirements, Acceptable Accrediting Bodies for Social Work Education Programs, and the Social Work Psychotherapy Privilege

I.D. No. EDU-21-24-00015-A

Filing No. 729

Filing Date: 2024-09-10

Effective Date: 2024-09-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 74.1, 74.6, 79-9.3, 79-10.3, 79-11.3, 79-12.3; repeal of section 74.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 7701, 7704, 8402, 8403, 8404, 8405; L. 2022, ch. 818

Subject: Social work and mental health practitioner supervision requirements, acceptable accrediting bodies for social work education programs, and the social work psychotherapy privilege.

Purpose: Amends the supervision requirements for social work and mental health professions to allow the use of secure technology for social work and mental health professions; update the provision regarding acceptable accrediting bodies for social work education programs and repeals the requirements for the psychotherapy privilege consistent with chapter 81 of the Laws of 2022.

Text or summary was published in the May 22, 2024 issue of the Register, I.D. No. EDU-21-24-00015-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Posthumous High School Diplomas

I.D. No. EDU-21-24-00018-A

Filing No. 734

Filing Date: 2024-09-10

Effective Date: 2024-09-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 100.5(b) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 209, 305, 309 and 3204

Subject: Posthumous high school diplomas.

Purpose: To allow discretion for local New York State schools and districts in posthumously conferring high school diplomas.

Text or summary was published in the May 22, 2024 issue of the Register, I.D. No. EDU-21-24-00018-EP.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 3rd year after the year in which this rule is being adopted.