



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

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Date: November 17, 2020

TO: District Superintendents, School Building Leaders, Charter School Leaders

From: Christina Coughlin, Assistant Commissioner

Re: **Fire Safety Report Guidance – Fire Drill Clarifications**

In May 2020 we released a new version of the Public School Fire and Building Safety Report form, which is accessed in the NYSED Business Portal. At that time, to improve our tracking of mandated evacuation and lockdown drills, two new tables were added which were intended to receive records of evacuation and lockdown drills.

The first table titled, Fire & Emergency Drills, was added to record when drills were conducted as required by Education Law 807. The second table titled, Emergency Evacuation Drills, was added to record drills conducted as required by the Fire Code of New York State (FCNYS) Section 405.

The new tables created confusion and questions from the reporting districts as to which drills and how many are specifically required by NYSED and the FCNYS. Since NYSED had no intention of increasing the number of required drills, we consulted our colleagues at the New York State Department of State's Division of Building Standards and Codes. The review resulted in the determination that, for both public and non-public schools, the requirements in Education Law 807, take precedence over requirements for monthly drills found in FCNYS Section 405.

This means that the minimum quantity and types of drills required are as follows:

- Drills shall be held at least twelve times in each school year,
- Eight of the drills, whether evacuation or lockdown, shall be held between September first and December thirty-first of each year.
- Eight of the twelve drills shall be evacuation drills.
- Four of all such drills shall be lockdown drills.
- Drills shall be conducted at different times of the school day.
- Pupils shall be instructed in the procedure to be followed if a fire occurs during a lunch period or assembly.
- Four additional drills shall be held in each school year during the hours after sunset and before sunrise in school buildings in which students are provided with sleeping accommodations.
- At least two additional drills shall be held during summer school where summer school is conducted.

NYSED will revise the Public School and the Non-Public School Fire and Building Safety Reporting forms in the NYSED Business Portal to reflect the determination that the requirement is limited to twelve drills. (The second drill reporting table will be removed).

## Fire Safety Report Guidance (cont.)

An excerpt of the section of Education Law 807 which pertains to schools other than colleges or universities is provided below to ensure that you have all the specific requirements of the law and apply them as required.

### Excerpt from Education Law Section 807:

S807. Fire and Emergency drills. 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, other than colleges or universities, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to respond appropriately in the shortest possible time and without confusion or panic. Such drills shall be held at least twelve times in each school year, eight of which required drills shall be held between September first and December thirty-first of each such year. Eight of all such drills shall be evacuation drills, four of which shall be through use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress. Four of all such drills shall be lockdown drills. Drills shall be conducted at different times of the school day. Pupils shall be instructed in the procedure to be followed in the event that a fire occurs during a lunch period or assembly, provided however, that such additional instruction may be waived where a drill is held during the regular school lunch period or assembly. Four additional drills shall be held in each school year during the hours after sunset and before sunrise in school buildings in which students are provided with sleeping accommodations. At least two additional drills shall be held during summer school in buildings where summer school is conducted, and one of such drills all be held during the first week of summer school.