

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 452
Committee Substitute Favorable 4/10/13
PROPOSED COMMITTEE SUBSTITUTE H452-PCS90108-MK-1

Short Title: 2013 School Safety Act.

(Public)

Sponsors:

Referred to:

March 28, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT CRITICAL SCHOOL SAFETY MEASURES.
3 The General Assembly of North Carolina enacts:
4

5 **PART I. SCHOOL SAFETY EXERCISES**

6 **SECTION 1.** Article 8C of Chapter 115C of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 115C-105.49. School safety exercises.**

9 (a) At least every two years each local school administrative unit shall hold a full
10 systemwide school safety and school lockdown exercise with the local law enforcement
11 agencies that are part of the local board of education's emergency response plan. The purpose
12 of the exercise shall be to permit participants to (i) discuss simulated emergency situations in a
13 low-stress environment, (ii) clarify their roles and responsibilities and the overall logistics of
14 dealing with an emergency, and (iii) identify areas in which the emergency response plan needs
15 to be modified.

16 (b) At least once a year each school shall hold a full school-wide school safety and
17 lockdown exercise with the local law enforcement agencies that are part of the local board of
18 education's emergency response plan."

19
20 **PART II. SCHEMATIC DIAGRAMS OF SCHOOL FACILITIES**

21 **SECTION 2.** Article 8C of Chapter 115C of the General Statutes is amended by
22 adding a new section to read:

23 "**§ 115C-105.50. Schematic diagram of school facilities.**

24 (a) Each local school administrative unit shall prepare schematic diagrams of its school
25 facilities and provide (i) the schematic diagrams and (ii) keys to the main entrance of all school
26 facilities to local law enforcement agencies. Each local school administrative unit shall provide
27 updates of the schematic diagrams to local law enforcement agencies when substantial
28 modifications such as new facilities or modifications to doors and windows are made to school
29 facilities.

30 (b) The Department of Public Instruction, in consultation with the Department of Public
31 Safety, shall develop standards and guidelines for the preparation and content of schematic
32 diagrams and necessary updates.

33 (c) The schematic diagrams are not public records under Chapter 132 of the General
34 Statutes."



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PART III. ANONYMOUS TIP LINE

SECTION 3. Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-105.51. Anonymous tip lines.

(a) Each local school administrative unit shall develop and operate an anonymous tip line, in coordination with local law enforcement and social services agencies, to receive anonymous information on internal or external risks to school buildings and school-related activities.

(b) The Department of Public Instruction, in consultation with the Department of Public Safety, shall develop standards and guidelines for the development, operation, and staffing of tip lines.

(c) The Department of Public Instruction shall provide information to local school administrative units on federal, State, local, and private grants available for this purpose."

PART IV. SCHOOL SAFETY COMPONENT OF SCHOOL IMPROVEMENT PLANS

SECTION 4.(a) G.S. 115C-105.27 reads as rewritten:

"§ 115C-105.27. Development and approval of school improvement plans.

(a) School Improvement Team. – In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C 105.35 and the goals set out in the mission statement for the public schools adopted by the State Board of Education. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to team. The team shall develop a school improvement plan to improve student performance.

Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot.

Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff.

Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation.

All school improvement plans shall be, to the greatest extent possible, data-driven. School improvement teams shall use the Education Value Added Assessment System (EVAAS) or a compatible and comparable system approved by the State Board of Education, to analyze student data to identify root causes for problems, to determine actions to address them, and to appropriately place students in courses such as Algebra I. School improvement plans shall contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting the measurement standards.

(a1) Open Meetings. – School improvement team meetings are subject to the open meetings requirements of Article 33C of Chapter 143 of the General Statutes. Deliberations on the school safety components of the plan shall be in closed session in accordance with G.S. 143-318.11(a)(8). The principal shall ensure that these requirements are met.

(a2) Public Records. – The school improvement plan, except for the school safety components of the plan, is a public record subject to Chapter 132 of the General Statutes and

1 shall be posted on the school Web site. The names of the members of the school improvement
2 team, their positions, and the date of their election to the school improvement team shall also be
3 posted on the Web site.

4 The school safety components of the plan are not public records subject to Chapter 132 of
5 the General Statutes.

6 (b) School Improvement Plan. – In order to improve student performance, the school
7 improvement team at each school shall develop a school improvement plan that takes into
8 consideration the annual performance goal for that school that is set by the State Board under
9 G.S. 115C-105.35 and the goals set out in the mission statement for the public schools adopted
10 by the State Board of Education. All school improvement plans shall be, to the greatest extent
11 possible, data-driven. School improvement teams shall use the Education Value Added
12 Assessment System (EVAAS) or a compatible and comparable system approved by the State
13 Board of Education to (i) analyze student data and identify root causes for problems, (ii)
14 determine actions to address them, and (iii) appropriately place students in courses such as
15 Algebra I. School improvement plans shall contain clear, unambiguous targets, explicit
16 indicators and actual measures, and expeditious time frames for meeting the measurement
17 standards.

18 The strategies for improving student performance:

- 19 (1) Shall include a plan for the use of staff development funds that may be made
20 available to the school by the local board of education to implement the
21 school improvement plan. The plan may provide that a portion of these
22 funds is used for mentor training and for release time and substitute teachers
23 while mentors and teachers mentored are meeting;
- 24 (1a) Repealed by Session Laws 2012-142, s. 7A.1(c), effective July 2, 2012.
- 25 (2) Shall include a plan to address school safety and discipline concerns;
- 26 (3) May include a decision to use State funds in accordance with
27 G.S. 115C-105.25;
- 28 (4) Shall include a plan that specifies the effective instructional practices and
29 methods to be used to improve the academic performance of students
30 identified as at risk of academic failure or at risk of dropping out of school;
- 31 (5) May include requests for waivers of State laws, rules, or policies for that
32 school. A request for a waiver shall meet the requirements of
33 G.S. 115C-105.26;
- 34 (6) Shall include a plan to provide a duty-free lunch period for every teacher on
35 a daily basis or as otherwise approved by the school improvement team; and
- 36 (7) Shall include a plan to provide duty-free instructional planning time for
37 every teacher under G.S. 115C-301.1, with the goal of providing an average
38 of at least five hours of planning time per week.

39 (c) School Vote on the Plan. – Support among affected staff members is essential to
40 successful implementation of a school improvement plan to address improved student
41 performance at that school. The principal of the school shall present the proposed school
42 improvement plan to all of the principals, assistant principals, instructional personnel,
43 instructional support personnel, and teacher assistants assigned to the school building for their
44 review and vote. The vote shall be by secret ballot. The principal shall submit the school
45 improvement plan to the local board of education only if the proposed school improvement
46 plan has the approval of a majority of the staff who voted on the plan.

47 (c1) Consideration of the School Safety Components of the Plan. – The superintendent
48 shall review the school safety components of the school improvement plans and make written
49 recommendations on them to the local board of education. Prior to a vote to accept a school's
50 improvement plan in accordance with G.S. 115C-105.25(d), the local board of education shall
51 review the school safety components of the plan for that school in closed session. The board

1 shall make findings on the safety components of the plan. Neither the safety components of the
2 plan nor the board's findings on the safety components of the plan shall be set out in the
3 minutes of the board.

4 (d) Adoption of the Plan. – The local board of education shall accept or reject the
5 school improvement plan. The local board shall not make any substantive changes in any
6 school improvement plan that it accepts. If the local board rejects a school improvement plan,
7 the local board shall state with specificity its reasons for rejecting the plan; the school
8 improvement team may then prepare another plan, present it to the principals, assistant
9 principals, instructional personnel, instructional support personnel, and teacher assistants
10 assigned to the school building for a vote, and submit it to the local board to accept or reject. If
11 no school improvement plan is accepted for a school within 60 days after its initial submission
12 to the local board, the school or the local board may ask to use the process to resolve
13 disagreements recommended in the guidelines developed by the State Board under
14 G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall
15 participate in the process to resolve disagreements. If there is no request to use that process,
16 then the local board may develop a school improvement plan for the school. The General
17 Assembly urges the local board to utilize the school's proposed school improvement plan to the
18 maximum extent possible when developing such a plan.

19 (e) Effective Period of the Plan. – A school improvement plan shall remain in effect for
20 no more than two years; however, the school improvement team may amend the plan as often
21 as is necessary or appropriate. If, at any time, any part of a school improvement plan becomes
22 unlawful or the local board finds that a school improvement plan is impeding student
23 performance at a school, the local board may vacate the relevant portion of the plan and may
24 direct the school to revise that portion. The procedures set out in this subsection shall apply to
25 amendments and revisions to school improvement plans.

26 (f) Elimination of Other Unnecessary Plans. – If a local board of education finds that a
27 school improvement plan adequately covers another plan that the local school administrative
28 unit is otherwise required to prepare, the local school administrative unit shall not be required
29 to prepare an additional plan on the matter.

30 (g) Compliance With Requirements. – Any employee, parent, or other interested
31 individual or organization is encouraged to notify the principal of any concerns regarding
32 compliance with this section. In addition, any employee, parent, or other interested individual
33 or organization may submit in writing to the superintendent concerns regarding compliance
34 with this section. The superintendent shall make a good-faith effort to investigate the concern.
35 The superintendent shall upon request provide a written response to the concern."

36 **SECTION 4.(b)** G.S. 143-318.11(a)(8) reads as rewritten:

37 "(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held
38 only when required to permit a public body to act in the public interest as permitted in this
39 section. A public body may hold a closed session and exclude the public only when a closed
40 session is required:

41 ...

42 (8) To formulate plans by a local board of education relating to emergency
43 response to incidents of school violence or to formulate and adopt the school
44 safety components of school improvement plans by a local board of
45 education or a school improvement team.

46"

47 **PART V. CRISIS KITS**

48 **SECTION 5.** Article 8C of Chapter 115C of the General Statutes is amended by
49 adding a new section to read:

50 "**§ 115C-105.52. School crisis kits.**
51

1 The Department of Public Instruction, in consultation with the Department of Public Safety
2 through the North Carolina Center for Safer Schools, shall adopt policies on the placement of
3 school crisis kits in schools and on the contents of those kits. The kits shall include at a
4 minimum basic first-aid supplies, communications devices, and other items recommended by
5 the International Association of Chiefs of Police.

6 The principal of each school, in coordination with the law enforcement agencies that are
7 part of the local board of education's emergency response plan, shall place one or more crisis
8 kits at appropriate locations in the school."

10 **PART VI. CONFORMING CHANGES FOR CHARTER SCHOOLS AND REGIONAL** 11 **SCHOOLS**

12 **SECTION 6.(a)** G.S. 115C-238.29F is amended by adding a new subsection to
13 read:

14 "(a1) Emergency Response Plan. – A charter school shall, in coordination with local law
15 enforcement agencies, adopt an emergency response plan relating to incidents of school
16 violence. These plans are not a public record as the term "public record" is defined under
17 G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

18 Charter schools shall also comply with the provisions in G.S. 115C-105.49(b),
19 115C-105.50, and 115C-105.52."

20 **SECTION 6.(b)** G.S. 115C-238.66 is amended by adding a new subdivision to
21 read:

22 "(7a) Emergency Response Plan. – A regional school shall, in coordination with local law
23 enforcement agencies, adopt an emergency response plan relating to incidents of school
24 violence. These plans are not a public record as the term "public record" is defined under
25 G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

26 Regional schools shall also comply with the provisions in G.S. 115C-105.49(b),
27 115C-105.50, and 115C-105.52."

29 **PART VII. EMERGENCY AND CRISIS TRAINING**

30 **SECTION 7.** The Department of Public Safety, through the North Carolina Center
31 for Safer Schools and in conjunction with the Department of Justice and the Department of
32 Public Instruction, shall develop school emergency and crisis training modules for school
33 employees and provide them to schools as soon as practicable.

35 **PART VIII. VOLUNTEER SCHOOL SAFETY RESOURCE OFFICER PROGRAM**

36 **SECTION 8.(a)** G.S. 14-269.2(a) is amended by adding a new subdivision to read:

37 "(3a) Volunteer school safety resource officer. – A person who volunteers as a
38 school safety resource officer as provided by G.S. 162-25 or
39 G.S. 160A-288.4."

40 **SECTION 8.(b)** G.S. 14-269.2(g) is amended by adding a new subdivision to read:

41 "(g) This section shall not apply to any of the following:

42 ...

43 (7) A volunteer school safety resource officer providing security at a school
44 pursuant to an agreement as provided in G.S. 115C-47(61) and either
45 G.S. 162-25 or G.S. 160A-288.4, provided that the volunteer school safety
46 resource officer is acting in the discharge of the person's official duties and
47 is on the educational property of the school that the officer was assigned to
48 by the head of the appropriate local law enforcement agency."

49 **SECTION 8.(c)** G.S. 115C-47 is amended by adding a new subdivision to read:

50 "**§ 115C-47. Powers and duties generally.**

1 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
2 shall have the power or duty:

3 ...
4 (61) To Provide a Safe School Environment. – Local boards of education may
5 enter into an agreement with the sheriff, chief of police of a local police
6 department, or chief of police of a county police department to provide
7 security at the schools by assigning volunteer school safety resource officers
8 who meet the selection standards and criteria developed by the head of the
9 appropriate local law enforcement agency and the criteria set out in
10 G.S. 162-25 or G.S. 160A-288.4, as appropriate."

11 **SECTION 8.(d)** G.S. 160A-282(c) reads as rewritten:

12 "(c) The board of commissioners of any county may provide that persons who are
13 deputized by the sheriff of the county as special deputy sheriffs or persons who are serving as
14 volunteer law-enforcement officers at the request of the sheriff and under his authority, while
15 undergoing official training and while performing duties on behalf of the county pursuant to
16 orders or instructions of the sheriff, shall be entitled to benefits under the North Carolina
17 Workers' Compensation Act and to any fringe benefits for which such persons qualify.

18 This subsection shall not apply to volunteer school safety resource officers as described in
19 G.S. 162-25."

20 **SECTION 8.(e)** Chapter 162 of the General Statutes is amended by adding a new
21 section to read:

22 **"§ 162-25. Sheriff may establish volunteer school safety resource officer program.**

23 (a) The sheriff may establish a volunteer school safety resource officer program to
24 provide nonsalaried special deputies to serve as school safety resource officers in public
25 schools. To be a volunteer in the program, a person must have prior experience as either (i) a
26 sworn law enforcement officer or (ii) as a military police officer with a minimum of two years'
27 service. If a person with experience as a military police officer is no longer in the armed
28 services, the person must also have an honorable discharge. A program volunteer must receive
29 training on research into the social and cognitive development of elementary, middle, and high
30 school children and must also meet the selection standards and any additional criteria
31 established by the sheriff.

32 (b) Each volunteer shall report to the sheriff and shall work under the direction and
33 supervision of the sheriff or the sheriff's designee when carrying out the volunteer's duties as a
34 school safety resource officer. No volunteer may be assigned to a school as a school safety
35 resource officer until the volunteer has updated or renewed the volunteer's law enforcement
36 training and has been certified by the North Carolina Sheriff's Education and Training
37 Standards Commission as meeting the educational and firearms proficiency standards required
38 of persons serving as special deputy sheriffs. A volunteer is not required to meet the physical
39 standards required by the North Carolina Sheriff's Education and Training Standards
40 Commission but must have a standard medical exam to ensure the volunteer is in good health.
41 A person selected by the sheriff to serve as a volunteer under this section shall have the power
42 of arrest while performing official duties as a volunteer school safety resource officer.

43 (c) The sheriff may enter into an agreement with the local board of education to provide
44 volunteer school safety resource officers who meet both the criteria established by this section
45 and the selection and training requirements set by the sheriff of the county for the schools. The
46 sheriff shall be responsible for the assignment of any volunteer school safety resource officer
47 assigned to a public school and for the supervision of the officer.

48 (d) There shall be no liability on the part of and no cause of action shall arise against a
49 volunteer school safety resource officer, the Sheriff or employees of the sheriff supervising a
50 volunteer school safety officer, or the public school system or its employees for any good faith

1 action taken by them in the performance of their duties with regard to the volunteer school
2 safety resource officer program established pursuant to this section."

3 **SECTION 8.(f)** Article 13 of Chapter 160A of the General Statutes is amended by
4 adding a new section to read:

5 **"§ 160A-288.4. Police chief may establish volunteer school safety resource officer**
6 **program.**

7 (a) The chief of police of a local police department or of a county police department
8 may establish a volunteer school safety resource officer program to provide nonsalaried special
9 law enforcement officers to serve as school safety resource officers in public schools. To be a
10 volunteer in the program, a person must have prior experience as either (i) a sworn law
11 enforcement officer or (ii) as a military police officer with a minimum of two years' service. If
12 a person with experience as a military police officer is no longer in the armed services, the
13 person must also have an honorable discharge. A program volunteer must receive training on
14 research into the social and cognitive development of elementary, middle, and high school
15 children and must also meet the selection standards and any additional criteria established by
16 the chief of police.

17 (b) Each volunteer shall report to the chief of police and shall work under the direction
18 and supervision of the chief of police or the chief's designee when carrying out the volunteer's
19 duties as a school safety resource officer. No volunteer may be assigned to a school as a school
20 safety resource officer until the volunteer has updated or renewed the volunteer's law
21 enforcement training and has been certified by the North Carolina Criminal Justice Education
22 and Training Standards Commission as meeting the educational and firearms proficiency
23 standards required of persons serving as criminal justice officers. A volunteer is not required to
24 meet the physical standards required by the North Carolina Criminal Justice Education and
25 Training Standards Commission but must have a standard medical exam to ensure the volunteer
26 is in good health. A person selected by the chief of police to serve as a volunteer under this
27 section shall have the power of arrest while performing official duties as a volunteer school
28 safety resource officer.

29 (c) The chief of police may enter into an agreement with the local board of education to
30 provide volunteer school safety resource officers who meet both the criteria established by this
31 section and the selection and training requirements set by the chief of police of the municipality
32 or county in which the schools are located. The chief of police shall be responsible for the
33 assignment of any volunteer school safety resource officer assigned to a public school and for
34 the supervision of the officer.

35 (d) There shall be no liability on the part of and no cause of action shall arise against a
36 volunteer school safety resource officer, the chief of police or employees of the local law
37 enforcement agency supervising a volunteer school safety officer, or the public school system
38 or its employees for any good faith action taken by them in the performance of their duties with
39 regard to the volunteer school safety resource officer program established pursuant to this
40 section."

41 **PART IX. EFFECTIVE DATE**

42 **SECTION 9.** Sections 1 through 7 of this act become effective July 1, 2013.
43 Section 8 of this act becomes effective December 1, 2013. Sections 1 through 6 of this act
44 apply beginning with the 2013-2014 school year. The schematic diagrams and keys to the main
45 entrance of all school facilities referenced in Section 2 of this act shall be provided to local law
46 enforcement prior to January 1, 2014. The remainder of the act is effective when it becomes
47 law.
48