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Short Title: School Safety Omnibus.

(Public)

Sponsors:

Referred to:

January 31, 2019

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THAT SCHOOL SAFETY REQUIREMENTS APPLY TO ALL PUBLIC SCHOOLS, CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR SAFER SCHOOLS, REQUIRE REPORTING ON THE OPERATIONAL STATUS OF ALL PUBLIC SCHOOLS DURING STATES OF EMERGENCY, DEFINE THE TERM "SCHOOL RESOURCE OFFICER" AND REQUIRE TRAINING FOR SCHOOL RESOURCE OFFICERS, REQUIRE ANNUAL VULNERABILITY ASSESSMENTS FOR EACH PUBLIC SCHOOL BUILDING, REQUIRE THREAT ASSESSMENT TEAMS BE ESTABLISHED AT EACH PUBLIC SCHOOL AND CODIFY THE DUTIES OF THREAT ASSESSMENT TEAMS, REQUIRE LME/MCOS TO PROVIDE ASSISTANCE TO STUDENTS REFERRED BY THE SUPERINTENDENT, AND REQUIRE LOCAL BOARDS OF EDUCATION TO REQUIRE PEER-TO-PEER SUPPORT PROGRAMS AT ALL SCHOOLS WITH GRADES SIX AND HIGHER.

The General Assembly of North Carolina enacts:

**PART I. REQUIREMENTS FOR SCHOOL SAFETY FOR ALL PUBLIC SCHOOLS**

**SECTION 1.(a)** G.S. 115C-105.46, 115C-105.47A, and 115C-105.48 are codified into Part 1 of Article 8C of Chapter 115C of the General Statutes, Local Plans for Alternative Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools. Part 1 shall be entitled "Local Plans for Alternative Schools/Alternative Learning Programs." The remaining sections of Article 8C of Chapter 115C of the General Statutes shall be codified into Part 2, which shall be entitled "Maintaining Safe and Orderly Schools."

**SECTION 1.(b)** G.S. 115C-105.49 reads as rewritten:

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

(a) At least once annually, each ~~local school administrative~~ public school unit shall require each school under its control to hold a full school-wide tabletop exercise and drill based on the procedures documented in its School Risk Management Plan ~~(SRMP)~~ (SRMP) and shall report the date and time the drill is conducted to the Center for Safer Schools. The drill shall include a practice school lockdown due to an intruder on school grounds. Each school is encouraged to hold a tabletop exercise and drill for multiple hazards included in its SRMP. Schools are strongly encouraged to include local law enforcement agencies and emergency management agencies in their tabletop exercises and drills. The purpose of the tabletop exercises and drills shall be to permit participants to (i) discuss simulated emergency situations in a



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1 low-stress environment, (ii) clarify their roles and responsibilities and the overall logistics of  
2 dealing with an emergency, and (iii) identify areas in which the SRMP needs to be modified.

3 ...  
4 (d) The Department of Public Safety, Division of Emergency Management, and the  
5 Center for Safer Schools shall provide guidance and recommendations to ~~local school~~  
6 ~~administrative-public school~~ units on the types of multiple hazards to plan and respond to,  
7 including intruders on school grounds."

8 **SECTION 1.(c)** G.S. 115C-105.49A(b) reads as rewritten:

9 "(b) In constructing the SRRMS, the Division of Emergency Management and the Center  
10 for Safer Schools shall leverage the existing enterprise risk management database, the School  
11 Risk Management Planning tool managed by the Division. The Division shall also leverage the  
12 ~~local school administrative-public school~~ unit and participating nonpublic school schematic  
13 diagrams of school facilities. Where technically feasible, the SRRMS shall integrate any  
14 anonymous tip lines established pursuant to G.S. 115C-105.51 and any 911-initiated panic alarm  
15 systems authorized as part of a SRMP pursuant to G.S. 115C-47(40). The Division and the Center  
16 for Safer Schools shall collaborate with the Department of Public Instruction and the North  
17 Carolina 911 Board in the design, implementation, and maintenance of the SRRMS."

18 **SECTION 1.(d)** G.S. 115C-105.52 reads as rewritten:

19 **"§ 115C-105.52. School crisis kits.**

20 The Department of Public Instruction, in consultation with the Department of Public Safety  
21 through the North Carolina Center for Safer Schools, may develop and adopt policies on the  
22 placement of school crisis kits in schools and on the contents of those kits. The kits should  
23 include, at a minimum, basic first-aid supplies, communications devices, and other items  
24 recommended by the International Association of Chiefs of Police.

25 The principal of each school, in coordination with the law enforcement agencies that are part  
26 of the ~~local board of education's-public school unit's~~ School Risk Management Plan, may place  
27 one or more crisis kits at appropriate locations in the school."

28 **SECTION 1.(e)** G.S. 115C-105.53 reads as rewritten:

29 **"§ 115C-105.53. Schematic diagrams and emergency access to school buildings for local  
30 law enforcement agencies.**

31 (a) Each ~~local school administrative-public school~~ unit shall provide the following to  
32 local law enforcement agencies: (i) schematic diagrams, including digital schematic diagrams,  
33 and (ii) either keys to the main entrance of all school buildings or emergency access to key storage  
34 devices such as KNOX® boxes for all school buildings. ~~Local school administrative-Public~~  
35 school units shall provide updates of the schematic diagrams to local law enforcement agencies  
36 when substantial modifications such as new facilities or modifications to doors and windows are  
37 made to school buildings. ~~Local school administrative-Public school~~ units shall also be  
38 responsible for providing local law enforcement agencies with updated access to school buildings  
39 when changes are made to the locks of the main entrances or to key storage devices such as  
40 KNOX® boxes.

41 (b) The Department of Public Instruction, in consultation with the Department of Public  
42 Safety, shall develop standards and guidelines for the preparation and content of schematic  
43 diagrams and necessary updates. ~~Local school administrative-Public school~~ units and  
44 participating nonpublic schools may use these standards and guidelines to assist in the  
45 preparation of their schematic diagrams.

46 ...."

47 **SECTION 1.(f)** G.S. 115C-105.54(a) reads as rewritten:

48 "(a) Each ~~local school administrative-public school~~ unit shall provide the following to the  
49 Division of Emergency Management (Division) at the Department of Public Safety: (i) schematic  
50 diagrams, including digital schematic diagrams, and (ii) emergency response information  
51 requested by the Division for the School Risk Management Plan (SRMP). ~~Local school~~

1 ~~administrative~~ Public school units shall also provide updated schematic diagrams and emergency  
2 response information to the Division when such updates are made. The Division shall ensure that  
3 the diagrams and emergency response information are securely stored and distributed as provided  
4 in the SRMP to first responders, emergency personnel, and school personnel and approved by  
5 the Department of Public Instruction."

6 **SECTION 1.(g)** G.S. 115C-218.75(b), (d), and (e) are repealed.

7 **SECTION 1.(h)** G.S. 115C-218.75 is amended by adding a new subsection to read:

8 "(g) Each charter school shall comply with the applicable requirements of Part 2 of Article  
9 8C of this Chapter."

10 **SECTION 1.(i)** G.S. 115C-238.66(7a), (7b), (7c), and (7d) are repealed.

11 **SECTION 1.(j)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

12 "(14) Each regional school shall comply with the applicable requirements of Part 2  
13 of Article 8C of this Chapter."

14 **SECTION 1.(k)** G.S. 116-239.8(b)(10), (11), (12), and (13) are repealed.

15 **SECTION 1.(l)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

16 "(17) Laboratory schools shall comply with the applicable requirements of Part 2 of  
17 Article 8C of Chapter 115C of the General Statutes."

18 **SECTION 1.(m)** G.S. 115C-75.9 is amended by adding a new subsection to read:

19 "(h1) School Safety. – Innovative schools shall comply with the applicable requirements of  
20 Part 2 of Article 8C of this Chapter."

21 **SECTION 1.(n)** Article 9C of Chapter 115C is amended by adding a new section to  
22 read:

23 "**§ 115C-150.16. School safety.**

24 A school governed by this Article shall comply with the applicable requirements of Part 2 of  
25 Article 8C of this Chapter."

26 **SECTION 1.(o)** Article 4 of Chapter 116 is amended by adding a new section to  
27 read:

28 "**§ 116-69.2. School safety.**

29 The school shall comply with the applicable requirements of Part 2 of Article 8C of Chapter  
30 115C of the General Statutes."

31 **SECTION 1.(p)** G.S. 116-235 is amended by adding a new subsection to read:

32 "(j) School Safety. – The school shall comply with the applicable requirements of Part 2  
33 of Article 8C of Chapter 115C of the General Statutes."

34 **SECTION 1.(q)** G.S. 115C-551 reads as rewritten:

35 "**§ 115C-551. Voluntary participation in the State programs.**

36 (a) Any ~~such~~ private church school or school of religious charter may, on a voluntary  
37 basis, participate in any State operated or sponsored program which would otherwise be available  
38 to such school, including but not limited to the high school competency testing and statewide  
39 testing programs.

40 (b) All private church schools and all schools of religious charter are encouraged to do  
41 the following:

42 (1) School Risk Management Plan. – In coordination with local law enforcement  
43 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents  
44 of school violence. In constructing and maintaining these plans, the school  
45 may utilize the School Risk and Response Management System (SRRMS)  
46 established pursuant to G.S. 115C-105.49A. These plans are not considered a  
47 public record as the term "public record" is defined under G.S. 132-1 and shall  
48 not be subject to inspection and examination under G.S. 132-6.

49 (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and  
50 keys to the main entrance of school facilities to local law enforcement  
51 agencies, in addition to implementing the provisions in G.S. 115C-105.52.

- 1           (3)     School safety exercises. – At least once a year, hold a full school-wide  
2           lockdown exercise with local law enforcement and emergency management  
3           agencies that are part of the private school's SRMP.  
4           (4)     Safety information provided to the Department of Public Safety, Division of  
5           Emergency Management. – Provide the following: (i) schematic diagrams,  
6           including digital schematic diagrams, and (ii) emergency response  
7           information requested by the Division for the SRMP. The schematic diagrams  
8           and emergency response information are not considered public records as the  
9           term "public record" is defined under G.S. 132-1 and shall not be subject to  
10           inspection and examination under G.S. 132-6."

11           **SECTION 1.(r)** G.S. 115C-559 reads as rewritten:

12     **"§ 115C-559. Voluntary participation in the State programs.**

13           (a)     Any ~~sueh~~-qualified nonpublic school may, on a voluntary basis, participate in any  
14     State operated or sponsored program which would otherwise be available to such school,  
15     including but not limited to the high school competency testing and statewide testing programs.

16           (b)     All qualified nonpublic schools are encouraged to do the following:

- 17           (1)     School Risk Management Plan. – In coordination with local law enforcement  
18           agencies, adopt a School Risk Management Plan (SRMP) relating to incidents  
19           of school violence. In constructing and maintaining these plans, the school  
20           may utilize the School Risk and Response Management System (SRRMS)  
21           established pursuant to G.S. 115C-105.49A. These plans are not considered a  
22           public record as the term "public record" is defined under G.S. 132-1 and shall  
23           not be subject to inspection and examination under G.S. 132-6.  
24           (2)     Schematic diagrams and school crisis kits. – Provide schematic diagrams and  
25           keys to the main entrance of school facilities to local law enforcement  
26           agencies, in addition to implementing the provisions in G.S. 115C-105.52.  
27           (3)     School safety exercises. – At least once a year, hold a full school-wide  
28           lockdown exercise with local law enforcement and emergency management  
29           agencies that are part of the private school's SRMP.  
30           (4)     Safety information provided to the Department of Public Safety, Division of  
31           Emergency Management. – Provide the following: (i) schematic diagrams,  
32           including digital schematic diagrams, and (ii) emergency response  
33           information requested by the Division for the SRMP. The schematic diagrams  
34           and emergency response information are not considered public records as the  
35           term "public record" is defined under G.S. 132-1 and shall not be subject to  
36           inspection and examination under G.S. 132-6."

37           **SECTION 1.(s)** This section is effective when it becomes law and applies beginning  
38     with the 2019-2020 school year.

## 40     **PART II. CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR SAFER** 41     **SCHOOLS**

42           **SECTION 2.(a)** G.S. 115C-105.57 reads as rewritten:

43     **"§ 115C-105.57. Center for Safer Schools.**

44           (a)     Center for Safer Schools Established. – There is established the Center for Safer  
45     Schools. The Center for Safer Schools shall be administratively located in the Department of  
46     Public Instruction. The Center for Safer Schools shall consist of an ~~executive director~~ Executive  
47     Director appointed by the Superintendent of Public Instruction and such other professional,  
48     administrative, technical, and clerical personnel as may be necessary to assist the Center for Safer  
49     Schools in carrying out its powers and duties.

1 (b) Executive Director. – The Executive Director shall report to and serve at the pleasure  
2 of the Superintendent of Public Instruction at a salary established by the Superintendent within  
3 the funds appropriated for this purpose.

4 (c) Powers and Duties. – The Center for Safer Schools shall have the following duties  
5 and all other powers and duties provided in this Article.

6 (1) Serve as a resource and referral center for the State by conducting research,  
7 sponsoring workshops, and providing information regarding current school  
8 safety concerns.

9 (2) Provide training and professional development for public school personnel in  
10 the development and implementation of initiatives promoting school safety,  
11 including ensuring school personnel know how to properly engage school  
12 resource officers.

13 (3) Maintain and disseminate information to public schools on effective school  
14 safety initiatives in North Carolina and across the nation, including proper  
15 engagement of school resource officers by school personnel.

16 (4) Collect, analyze, and disseminate various North Carolina school safety data.

17 (5) Provide technical and instructional assistance to facilitate the development of  
18 partnerships between the public and private sectors to promote school safety  
19 in North Carolina.

20 (6) Recommend a system of accountability to the General Assembly to document  
21 school safety exercises, including practice school lockdowns, required by  
22 G.S. 115C-105.49.

23 (7) Assist law enforcement officers assigned to schools and their agencies in  
24 active shooter response drills and other pertinent school safety-related  
25 training.

26 (8) Collaborate with the North Carolina Justice Academy, the North Carolina  
27 Criminal Justice Education and Training Standards Commission, and the  
28 North Carolina Sheriffs' Education and Training Standards Commission to  
29 establish and maintain updated training curriculum for school resource  
30 officers.

31 (9) Coordinate grants for school resource officers in elementary and middle  
32 schools and ensure that training requirements for school resource officers  
33 funded by those grants are met.

34 (10) Provide technical assistance to public school units in the development and  
35 implementation of initiatives promoting school safety.

36 (d) Agency Cooperation. – All State agencies and departments shall cooperate with the  
37 Center for Safer Schools in carrying out its powers and duties, as necessary, in accordance with  
38 this Article. The Center of Safer Schools shall coordinate, collaborate, and seek information as  
39 necessary to carry out its duties and responsibilities from State and local government agencies,  
40 who shall provide information upon request to the Center. These agencies include the following:

41 (1) Department of Public Safety.

42 (2) Department of Health and Human Services.

43 (3) Department of Public Instruction.

44 (4) North Carolina Justice Academy.

45 (5) Governor's Crime Commission.

46 (6) State Bureau of Investigation Fusion Center, Information Sharing, and  
47 Analysis Center.

48 (7) Governing bodies of public school units.

49 (8) Local law enforcement agencies.

50 (e) Task Force Guidance. – The Center of Safer Schools shall receive guidance and  
51 advice from the Task Force for Safer Schools."

1 SECTION 2.(b) This section is effective when it becomes law.

2  
3 **PART III. STATE OF EMERGENCY OPERATIONAL STATUS REPORTING**

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

6 "**§ 115C-105.50. State of emergency operational reports.**

7 (a) For purposes of this section, the term "countywide state of emergency" means a state  
8 of emergency with a defined area covering the entirety of the jurisdiction of a county declared  
9 by any of the following:

10 (1) The President of the United States, under the Stafford Act (P.L. 93-288).

11 (2) The General Assembly, under G.S. 166A-19.20.

12 (3) The Governor, under G.S. 166A-19.20.

13 (4) The governing body of a county, under G.S. 166A-19.22.

14 (b) In the event of a countywide state of emergency, each public school unit in the county  
15 under the state of emergency shall report the operational status of all schools in the unit's  
16 jurisdiction to each of the following as long as the countywide state of emergency is in place:

17 (1) Department of Public Safety, Division of Emergency Management.

18 (2) The local emergency management agency for that county.

19 (3) Local board of county commissioners or designee."

20 SECTION 3.(b) This section is effective when it becomes law and applies beginning  
21 with the 2019-2020 school year.

22  
23 **PART IV. SCHOOL RESOURCE OFFICER DEFINED/TRAINING**  
24 **STANDARDS/REPORTS**

25 SECTION 4.(a) Article 8C of Chapter 115C of the General Statutes is amended by  
26 adding a new section to read:

27 "**§ 115C-105.70. School resource officer.**

28 (a) A school resource officer is any law enforcement officer assigned to one or more  
29 public schools within a public school unit for at least 20 hours per week for more than 12 weeks  
30 per calendar year to assist with all of the following, consistent with any written memorandum of  
31 understanding between the public school unit and the law enforcement agency governing the  
32 school resource officer:

33 (1) School safety.

34 (2) School security.

35 (3) Emergency preparedness.

36 (4) Emergency response.

37 (5) Any additional responsibilities related to school safety or security assigned by  
38 the officer's employer while the officer is acting as a school resource officer.

39 (b) All school resource officers shall comply with initial training standards, as established  
40 by subsection (c) of this section, within one year of being assigned as a school resource officer.  
41 After initial training, all school resource officers shall comply with continuing education  
42 standards, as established by subsection (c) of this section.

43 (c) The North Carolina Criminal Justice Education and Training Standards Commission  
44 and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration  
45 with the Center for Safer Schools and the Department of Health and Human Services, Division  
46 of Mental Health, Developmental Disabilities, and Substance Abuse, shall establish initial  
47 training and continuing education standards for school resource officers. These standards shall,  
48 at a minimum, include training on the following topics: mental health, students with disabilities,  
49 racial equity, and crisis intervention and de-escalation."

50 SECTION 4.(b) G.S. 17C-6(a) is amended by adding a new subdivision to read:

1           "(19) Establish initial training and continuing education training standards for  
2           school resource officers, as set forth in G.S. 115C-105.70."

3           **SECTION 4.(c)** G.S. 17E-4(a) is amended by adding a new subdivision to read:

4           "(17) Establish initial training and continuing education training standards for  
5           school resource officers, as set forth in G.S. 115C-105.70."

6           **SECTION 4.(d)** The North Carolina Criminal Justice Education and Training  
7 Standards Commission and the North Carolina Sheriffs' Education and Training Standards  
8 Commission, in collaboration with the Center for Safer Schools and the Department of Health  
9 and Human Services, Division of Mental Health, Developmental Disabilities, and Substance  
10 Abuse, shall establish initial training standards for school resource officers no later than January  
11 15, 2020.

12           **SECTION 4.(e)** Article 8C of Chapter 115C of the General Statutes is amended by  
13 adding a new section to read:

14           "**§ 115C-105.71. School resource officer reports.**

15           (a) Each public school unit shall report by September 15, 2019, and annually thereafter,  
16 in writing to the Center for Safer Schools the number of school resource officers and the  
17 placement of each school resource officer in the public school unit. This report shall include the  
18 source of funding and method of employment for each school resource officer position.

19           (b) The Center for Safer Schools shall report by November 15, 2019, and annually  
20 thereafter, to the Joint Legislative Education Oversight Committee an executive summary and  
21 the disaggregated data for each public school unit regarding the information reported by public  
22 school units pursuant to subsection (a) of this section."

23           **SECTION 4.(f)** This section is effective when it becomes law. Subsection (a) of this  
24 section applies to school resource officers assigned on or after January 1, 2020. All school  
25 resource officers assigned on January 1, 2020, shall complete initial training no later than  
26 December 31, 2020.

## 27 28 **PART V. SCHOOL BUILDING VULNERABILITY ASSESSMENT**

29           **SECTION 5.(a)** Article 8C of Chapter 115C of the General Statutes is amended by  
30 adding a new section to read:

31           "**§ 115C-105.52A. Facility vulnerability assessments.**

32           (a) At least once annually, each governing body of a public school unit shall require each  
33 school under its control to complete a facility vulnerability assessment for each school building.

34           (b) The Center for Safer Schools, in collaboration with the Department of Public  
35 Instruction, Division of School Operations, and the Department of Public Safety, shall develop a  
36 facility vulnerability assessment tool. This tool shall be in the form of a checklist designed to  
37 assess the potential vulnerabilities arising from day-to-day policies and procedures in the  
38 operation of school buildings. This tool shall be used by public school units when completing a  
39 facility vulnerability assessment.

40           (c) No governing body of a public school unit, nor its members, employees, designees,  
41 agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused  
42 by any act or omission relating to the participation in or implementation of a facility vulnerability  
43 assessment required by this section, unless that act or omission amounts to gross negligence,  
44 wanton conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose  
45 any specific duty of care or standard of care."

46           **SECTION 5.(b)** G.S. 115C-105.49A(b), as amended by Section 1(c) of this act,  
47 reads as rewritten:

48           "(b) In constructing the SRRMS, the Division of Emergency Management and the Center  
49 for Safer Schools shall leverage the existing enterprise risk management database, the School  
50 Risk Management Planning tool managed by the Division. The Division shall also leverage the  
51 public school unit and participating nonpublic school schematic diagrams of school facilities.

1 Where technically feasible, the SRRMS shall integrate any anonymous tip lines established  
2 pursuant to G.S. 115C-105.51 and any 911-initiated panic alarm systems authorized as part of a  
3 SRMP pursuant to G.S. 115C-47(40). Where technically feasible, the SRRMS shall integrate any  
4 facility vulnerability assessments as part of an SRMP pursuant to G.S. 115C-105.52A. The  
5 Division and the Center for Safer Schools shall collaborate with the Department of Public  
6 Instruction and the North Carolina 911 Board in the design, implementation, and maintenance of  
7 the SRRMS."

8 **SECTION 5.(c)** This section is effective when it becomes law. The Center for Safer  
9 Schools and the Department of Public Instruction shall develop the facility vulnerability  
10 assessment tool by January 15, 2020. Each governing body of a public school unit shall require  
11 each school under its control to complete a facility vulnerability assessment for each school  
12 building before the end of the 2019-2020 school year and annually thereafter.

## 13 **PART VI. THREAT ASSESSMENT TEAMS**

14 **SECTION 6.(a)** Article 8C of Chapter 115C of the General Statutes is amended by  
15 adding a new section to read:

### 16 **"§ 115C-105.60. Threat assessment teams.**

17 (a) Definitions. – The following definitions apply in this section:

18 (1) Superintendent. – The superintendent or, if there is no superintendent, the staff  
19 member with the highest decision-making authority.

20 (2) Threat. – A concerning communication or behavior that indicates that an  
21 individual may pose a danger to the safety of school staff or students through  
22 acts of violence or other behavior that would cause harm to self or others. A  
23 threat may be expressed or communicated behaviorally, orally, visually, in  
24 writing, electronically, or through any other means, and may be considered a  
25 threat regardless of whether it is observed by or communicated directly to the  
26 target of the threat or observed by or communicated to a third party, and  
27 regardless of whether the target of the threat is aware of the threat.

28 (3) Threat assessment. – A fact-based process emphasizing an appraisal of  
29 observed, or reasonably observable, behaviors to identify potentially  
30 dangerous or violent situations, to assess them, and to manage or address  
31 them.

32 (4) Threat assessment team. – A team that includes persons with expertise in  
33 counseling, instruction, school administration, and law enforcement that  
34 conducts threat assessments in a public school unit when a threat has been  
35 communicated. When practicable, at least one member of a threat assessment  
36 team shall be a school psychologist, or if a school psychologist is not  
37 available, a psychologist or psychiatrist. Members of a threat assessment team  
38 who are not employees of the public school unit may review student records  
39 as provided in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a written agreement  
40 with the public school unit of the requirements and responsibilities for use of  
41 student records under the federal Family Educational Rights and Privacy Act.

42 (b) The governing body of the public school unit shall adopt at a minimum the policies  
43 developed by the Center for Safer Schools, in accordance with G.S. 115C-105.57(c)(7), for the  
44 establishment of threat assessment teams, including the conduct of threat assessments and  
45 intervention with individuals whose behavior may pose a risk to the safety of school staff or  
46 students. These policies shall not reference or reveal any information that has been excluded as  
47 a public record under G.S. 115C-47(40), Part 2 of Article 8C of this Chapter, or any other relevant  
48 statute.

49 (c) The superintendent or designee may establish a committee charged with coordination  
50 and monitoring of the threat assessment teams operating within the unit, which may be an existing  
51



1 committee established by the unit. If a committee is established, the committee shall include  
2 individuals with expertise in human resources, education, school administration, mental health,  
3 and law enforcement.

4 (d) Each school in the public school unit shall have a threat assessment team established  
5 by the superintendent. In the discretion of the superintendent, an established threat assessment  
6 team may serve more than one school in the unit. Each team shall do the following:

7 (1) Provide guidance to students, faculty, and staff regarding recognition of  
8 threatening or aberrant behavior that may represent a risk to the community,  
9 school, or self.

10 (2) When a threat has been communicated, conduct threat assessments to  
11 determine appropriate actions and intervention based on the level of risk  
12 determined by the assessment. A threat assessment team may consult with the  
13 State Bureau of Investigation if needed in conducting the threat assessment.  
14 A threat assessment team shall determine the level of risk posed by an  
15 individual or situation as follows:

16 a. Low risk. – The individual or situation does not appear to pose a risk  
17 of violence or serious harm to self or others and any exhibited issues  
18 or concerns can be resolved easily.

19 b. Moderate risk. – The individual or situation does not appear to pose a  
20 risk of violence or serious harm to self or others, at this time, but  
21 exhibits behaviors that indicate a continuing intent and potential for  
22 future violence or serious harm to self or others or exhibits other  
23 concerning behavior that requires intervention.

24 c. High risk. – The individual or situation appears to pose a risk of  
25 violence or serious harm to self or others, exhibiting behaviors that  
26 indicate both a continuing intent to harm and efforts to acquire the  
27 capacity to carry out the plan, and may also exhibit other concerning  
28 behavior that requires intervention.

29 d. Imminent risk. – The individual or situation appears to pose a clear  
30 and immediate risk of serious violence toward others that requires  
31 containment and action to protect identified or identifiable target or  
32 targets and may also exhibit other concerning behavior that requires  
33 intervention.

34 (3) Identify members of the school community to whom threats should be  
35 reported.

36 (4) Implement policies adopted by the governing body of the public school unit  
37 pursuant to subsection (b) of this section.

38 (5) Utilize anonymous reporting applications for students to receive information  
39 about school safety concerns requiring investigation.

40 (e) Upon a determination that an individual poses a high risk or imminent risk of violence  
41 or physical harm to self or others, a threat assessment team shall immediately report its  
42 determination to the superintendent or the superintendent's designee, who shall respond as  
43 follows:

44 (1) The superintendent or designee shall immediately attempt to notify the  
45 student's parent or legal guardian. The superintendent may delegate the  
46 responsibility for notification to the principal of the school and may require  
47 notice be made to the principal directly.

48 (2) In the case of an imminent-risk threat determined to be an emergency by the  
49 superintendent or designee under the standards established by the Family  
50 Educational Rights and Privacy Act in 20 U.S.C. § 1232g(b)(1)(I), the  
51 superintendent or designee shall provide notice to individuals who are the

1 subject of the threat and, if a student is the subject of a threat, the  
2 superintendent or designee shall provide notice to the student's parent or legal  
3 guardian. All notices shall be in accordance with the Family Educational  
4 Rights and Privacy Act, 20 U.S.C. § 1232g. The superintendent may delegate  
5 the responsibility for notification to the principal of the school and may  
6 require notice be made to the principal directly.

7 (3) In the case of an imminent-risk threat, the superintendent or designee shall  
8 immediately notify the appropriate local law enforcement agency and the  
9 State Bureau of Investigation. In the case of a high-risk threat, the  
10 superintendent or designee shall notify the appropriate local law enforcement  
11 agency when recommended by the threat assessment team.

12 (4) When the threat assessment team makes a recommendation that the student be  
13 referred for mental health services, the superintendent or designee shall notify  
14 the student's parent or legal guardian of all of the following information:

15 a. That the threat assessment team has recommended that the student be  
16 referred for mental health services.

17 b. That if the student is covered by private insurance or a Medicaid  
18 prepaid health plan, then the parent or guardian is encouraged to  
19 contact the student's primary care provider or insurance company.

20 c. That if the student is uninsured or is covered by Medicaid and not  
21 enrolled in a prepaid health plan, then the parent or guardian is  
22 encouraged to contact the local management entity/managed care  
23 organization that serves the catchment area where the student resides.

24 d. That with the parent or legal guardian's consent, if the student is  
25 uninsured or is covered by Medicaid and not enrolled in a prepaid  
26 health plan, then the superintendent or designee shall make a referral  
27 that includes the parent or guardian's contact information to the local  
28 management entity/managed care organization that serves the  
29 catchment area where the student resides.

30 (5) The superintendent or designee shall comply with the requirements of Article  
31 27 of this Chapter for any student discipline actions.

32 Nothing in this subsection shall preclude public school personnel from acting immediately to  
33 address an imminent-risk threat.

34 (f) Each threat assessment team established pursuant to this section shall report  
35 quantitative data on its activities to the Center for Safer Schools according to guidance developed  
36 by the Center. Such data shall include, at a minimum, the following:

37 (1) Number of threat assessments conducted annually and demographic  
38 information on subjects of those assessments.

39 (2) Number of threat assessments that resulted in a determination that the  
40 individual being assessed was a high-risk or imminent-risk threat and  
41 demographic information on those individuals.

42 (3) Types of actions taken in response to a determination that the individual being  
43 assessed was a high-risk or imminent-risk threat.

44 (4) Results of actions taken in response to determination that the individual being  
45 assessed was a high-risk or imminent-risk threat.

46 (g) Upon a determination by the threat assessment team that an individual poses an  
47 imminent-risk threat, a threat assessment team may obtain the following:

48 (1) Health records. – Notwithstanding G.S. 8-53 or any other provision of law, a  
49 health care provider may disclose protected health information related to an  
50 imminent-risk threat to the health or safety of school staff or students to a  
51 member of a threat assessment team who is a school nurse, school

1 psychologist, or other licensed health or licensed mental health professional.  
2 The member of the threat assessment team who receives the health records  
3 shall provide an explanation of the health records when sharing those records  
4 with the remainder of the threat assessment team.

5 (2) Criminal records. – A threat assessment team may obtain criminal history as  
6 provided in G.S. 143B-931A. For a threat assessment of a student with  
7 juvenile records, the threat assessment team shall have access to written  
8 notifications received pursuant to G.S. 7B-3101 and information gained from  
9 examination of juvenile records in accordance with G.S. 7B-3100, held  
10 pursuant to G.S. 115C-404. Records held pursuant to G.S. 115C-404 shall be  
11 returned to the principal following review by the threat assessment team.

12 Any information shared among members of the threat assessment team pursuant to this  
13 subsection shall remain confidential, shall not be a public record subject to Chapter 132 of the  
14 General Statutes, and shall only be released in connection with an emergency under the standards  
15 established by the Family Educational Rights and Privacy Act in 20 U.S.C. § 1232g(b)(1)(I).

16 (h) No governing body of a public school unit, nor its members, employees, designees,  
17 agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused  
18 by any act or omission relating to the participation in or implementation of any component of the  
19 threat assessment team policies required by this section, unless that act or omission amounts to  
20 gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be  
21 construed to impose any specific duty of care or standard of care."

22 **SECTION 6.(b)** Article 13 of Chapter 143B of the General Statutes is amended by  
23 adding a new section to read:

24 **§ 143B-931.1. Criminal record checks for threat assessment teams.**

25 The Department of Public Safety may provide a criminal record check to the members of a  
26 threat assessment team established by the governing body of a public school unit, as defined in  
27 G.S. 115C-5(11), pursuant to G.S. 115C-105.60 for the purpose of administering criminal justice  
28 in assessing or intervening when a determination has been made that an individual poses an  
29 imminent-risk threat to school safety. No member of a threat assessment team shall redisclose  
30 any criminal history record information obtained pursuant to this section or otherwise use any  
31 record of an individual beyond the purpose that such disclosure was made to the threat assessment  
32 team."

33 **SECTION 6.(c)** G.S. 115C-47 is amended by adding a new subdivision to read:

34 "(64) Peer-to-peer student support programs. – Local boards of education shall  
35 require peer-to-peer student support programs be established at all schools  
36 with grades six and higher and are encouraged to implement peer-to-peer  
37 student support programs as appropriate in other grades."

38 **SECTION 6.(d)** G.S. 115C-105.57, as amended by Section 2(a) of this act, is  
39 amended by adding a new subdivision to read:

40 "(11) Develop policies for threat assessment teams for public school units in  
41 consultation with the Task Force for Safer Schools, Disability Rights North  
42 Carolina, the State Bureau of Investigation, and relevant State government  
43 agencies. These policies shall not reference or reveal any information that has  
44 been excluded as a public record under G.S. 115C-47(40), Part 2 of Article  
45 8C of this Chapter, or any other relevant statute. These policies shall include  
46 at a minimum procedures for all of the following:

- 47 a. Assessment of and intervention with a student whose behavior poses  
48 a risk to the safety of school staff or students.  
49 b. Involvement of the student's parent or legal guardian throughout the  
50 threat assessment process.

- 1                   c.     Referral to LME/MCOs, as provided in G.S. 122C-115.4(b)(9), for  
2                             evaluation or treatment, when appropriate.  
3                   d.     Compliance with the Family Educational Rights and Privacy Act  
4                             (FERPA), 20 U.S.C. § 1232g, the Individuals with Disabilities  
5                             Education Act (IDEA), 29 U.S.C. § 1400, et seq., and Article 9 of  
6                             Chapter 115C of the General Statutes."

7                   **SECTION 6.(e)** G.S. 115C-316.1 is amended by adding a new subsection to read:

8                   "(c) School counselors, as part of the direct services provided in subsection (a) of this  
9                   section, shall coordinate and provide training for students in peer-to-peer student support  
10                   programs that address areas such as conflict resolution, general health and wellness, and  
11                   mentoring. The Center for Safer Schools will support school counselors in the administration and  
12                   delivery of peer-to-peer student support programs."

13                   **SECTION 6.(f)** G.S. 122C-115.4(b) is amended by adding a new subdivision to  
14                   read:

15                   "(9) Each LME/MCO shall receive referrals from school superintendents or  
16                   designees in accordance with G.S. 115C-105.60(e)(4)d. related to students  
17                   who are uninsured or are covered by Medicaid and not enrolled in a prepaid  
18                   health plan residing in the LME/MCO's catchment area. Within 10 calendar  
19                   days after receipt of a referral, the LME/MCO shall contact the student's  
20                   parent or legal guardian using the information provided on the referral and  
21                   shall provide assistance with identifying appropriate existing mental health  
22                   resources available to the student. The assistance shall include identifying  
23                   sources of funding to assist with the cost of mental health services as well as  
24                   providing referrals to appropriate mental health service providers and mental  
25                   health services."

26                   **SECTION 6.(g)** This section is effective when it becomes law. Policies for threat  
27                   assessment teams required by G.S. 115C-105.57(c)(11), as enacted by this section, shall be  
28                   developed by the Center for Safer Schools no later than December 31, 2019. All public school  
29                   units shall establish policies and threat assessment teams as required by G.S. 115C-105.60, as  
30                   enacted by this section, no later than March 1, 2020. Sections 6(c) and 6(e) of this act apply  
31                   beginning with the 2020-2021 school year. All local boards of education are encouraged to have  
32                   peer-to-peer student support programs by the 2019-2020 school year. The remainder of this  
33                   section applies beginning with the 2019-2020 school year.

## 34                   **PART VII. EFFECTIVE DATE**

35                   **SECTION 7.** Except as otherwise provided, this act is effective when it becomes  
36                   law.  
37