

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 75
Committee Substitute Favorable 2/26/19
Committee Substitute #2 Favorable 3/4/19
Fourth Edition Engrossed 3/6/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H75-PCS40519-MVa-3

Short Title: School Safety Funds, Programs, and Reports.

(Public)

Sponsors:

Referred to:

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR SCHOOL SAFETY, REQUIRE AN ANNUAL REPORT ON SCHOOL RESOURCE OFFICERS, ESTABLISH CERTAIN SCHOOL SAFETY GRANTS PROGRAMS, REQUIRE THE DEVELOPMENT OF A RECOMMENDED SCHOOL MENTAL HEALTH CRISIS RESPONSE PROGRAM, REQUIRE ANNUAL REPORTS ON SCHOOL MENTAL HEALTH SUPPORT PERSONNEL, EXPRESS THE INTENTION OF THE GENERAL ASSEMBLY THAT ADDITIONAL FUNDS PROVIDED FOR INSTRUCTIONAL SUPPORT PERSONNEL BE USED TO FUND ADDITIONAL SCHOOL MENTAL HEALTH SUPPORT PERSONNEL, REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY AND REPORT ON SCHOOL PSYCHOLOGIST AND SCHOOL COUNSELOR POSITIONS, AND PROVIDE FOR EIGHT ADDITIONAL AGENTS OF THE STATE BUREAU OF INVESTIGATION TO SUPPORT THE BEHAVIORAL THREAT ASSESSMENT PROGRAM, CONSISTENT WITH THE PROVISIONS OF THE CONFERENCE COMMITTEE SUBSTITUTE AND COMMITTEE REPORT FOR HOUSE BILL 966 OF THE 2019 REGULAR SESSION.

The General Assembly of North Carolina enacts:

PART I. APPROPRIATIONS

SECTION 1.1.(a) There is appropriated from the General Fund for the 2019-2021 fiscal biennium the sum of thirty-eight million eight hundred thirty-three thousand three hundred thirty-three dollars (\$38,833,333) for the 2019-2020 fiscal year and the sum of twenty-nine million eight hundred thousand dollars (\$29,800,000) for the 2020-2021 fiscal year for the costs associated with implementing the school safety provisions of this act. These sums are allocated as follows:

Entity	2019-2020 Recurring	2019-2020 Nonrecurring	2020-2021 Recurring	2020-2021 Nonrecurring
Department of Public Instruction	\$23,000,000	\$15,100,000	\$29,000,000	\$0
Dept. of Public Safety	\$533,333	\$200,000	\$800,000	\$0.

SECTION 1.1.(b) Departmental receipts, as defined in G.S. 143C-1-1, are appropriated for each year of the 2019-2021 fiscal biennium up to the amounts needed to



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1 implement the school safety provisions provided in this act for each year of the 2019-2021 fiscal
2 biennium.

3 4 **PART II. SCHOOL RESOURCE OFFICERS REPORT**

5 **SECTION 2.1.** G.S. 115C-105.57 reads as rewritten:

6 **"§ 115C-105.57. Center for Safer Schools.**

7 (a) **Center for Safer Schools Established.** – There is established the Center for Safer
8 Schools. The Center for Safer Schools shall be administratively located in the Department of
9 Public Instruction. The Center for Safer Schools shall consist of an executive director appointed
10 by the Superintendent of Public Instruction and such other professional, administrative, technical,
11 and clerical personnel as may be necessary to assist the Center for Safer Schools in carrying out
12 its powers and duties.

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

16 (c) **Powers and Duties.** – The Center for Safer Schools shall have all powers and duties
17 provided in this Article.

18 (d) **Agency Cooperation.** – All State agencies and departments shall cooperate with the
19 Center for Safer Schools in carrying out its powers and duties, as necessary, in accordance with
20 this Article.

21 (e) **Annual Census of School Resource Officers.** – The Center for Safer Schools shall
22 conduct an annual census of school resource officers located in each public school unit. The
23 Center shall submit a report based on this census to the Joint Legislative Education Oversight
24 Committee and the State Board of Education by March 1 of each year. At a minimum, the report
25 shall include all of the following information:

- 26 (1) The total number of school resource officers in the State and in each public
27 school unit.
- 28 (2) Data regarding school resources officers' education levels, years as sworn law
29 enforcement officers, and years as school resource officers.
- 30 (3) Training required of school resource officers and training actually completed
31 by school resource officers, including training specific to the position of
32 school resource officer and other advanced or additional training.
- 33 (4) The funding source for all school resource officers.
- 34 (5) The location of school resource officers, differentiated by grade levels and
35 type of public school unit.
- 36 (6) The percentage of school resource officers assigned to more than one school.
- 37 (7) The law enforcement affiliation of school resource officers."

38 39 **PART III. SCHOOL SAFETY GRANTS PROGRAMS**

40 **SECTION 3.1.(a)** Article 8C of Chapter 115C of the General Statutes is amended
41 by adding a new section to read:

42 **"§ 115C-105.60. School resource officer grants.**

43 (a) **Definition.** – For purposes of this section, the term "qualifying public school unit"
44 refers to a local school administrative unit, regional school, innovative school, laboratory school,
45 or charter school.

46 (b) **Program; Purpose.** – The Superintendent of Public Instruction shall establish the
47 School Resource Officer Grants Program (Program). To the extent funds are made available for
48 the Program, its purpose shall be to improve safety in qualifying public school units by providing
49 grants for school resource officers.

50 (c) **Grant Applications.** – A qualifying public school unit may submit an application to
51 the Superintendent of Public Instruction for one or more grants pursuant to this section. The

1 application shall include an assessment, to be performed in conjunction with a local law
2 enforcement agency, of the need for improving school safety within the qualifying public school
3 unit that would receive the funding. The application shall identify current and ongoing needs and
4 estimated costs associated with those needs.

5 (d) Criteria and Guidelines. – By November 1, 2019, and August 1 of each year thereafter
6 in which funds are made available for the Program, the Superintendent of Public Instruction shall
7 develop criteria and guidelines for the administration and use of the grants pursuant to this
8 section, including any documentation required to be submitted by applicants. In assessing grant
9 applications, the Superintendent of Public Instruction shall consider at least all of the following
10 factors:

- 11 (1) The level of resources available to the qualifying public school unit that would
12 receive the funding.
- 13 (2) Whether the qualifying public school unit has received other grants for school
14 safety.
- 15 (3) The overall impact on student safety in the qualifying public school unit if the
16 identified needs are funded.

17 (e) Award of Funds. – From funds made available for grants for school resource officers,
18 the Superintendent of Public Instruction shall award grants to qualifying public school units for
19 school resource officers in elementary and middle schools, as follows:

- 20 (1) Grants shall be matched on the basis of two dollars (\$2.00) in State funds for
21 every one dollar (\$1.00) in non-State funds.
- 22 (2) Qualifying public school units may use these funds to employ school resource
23 officers in elementary and middle schools, to train them, or both.
- 24 (3) Training shall be provided, in partnership with the qualifying public school
25 unit, by a community college, a local law enforcement agency, or the North
26 Carolina Justice Academy. Any training shall include instruction on research
27 into the social and cognitive development of elementary school and middle
28 school children.

29 (f) Supplement Not Supplant. – Grants provided to qualifying public school units
30 pursuant to the Program shall be used to supplement and not to supplant State or non-State funds
31 already provided for these services.

32 (g) Report. – No later than April 1, 2020, and each year thereafter in which funds are
33 made available for the Program, the Superintendent of Public Instruction shall report on the
34 Program to the Joint Legislative Education Oversight Committee, the Joint Legislative Oversight
35 Committee on Health and Human Services, the Joint Legislative Oversight Committee on Justice
36 and Public Safety, the Joint Legislative Commission on Governmental Operations, and the Fiscal
37 Research Division. The report shall include the identity of each entity that received a grant
38 through the Program, the amount of funding provided to each entity that received a grant, the use
39 of funds by each entity that received a grant, and recommendations for the implementation of
40 additional effective school safety measures."

41 **SECTION 3.1.(b)** For the 2019-2020 fiscal year, the Department of Public
42 Instruction shall administer the following school safety grants:

- 43 (1) Definitions. – For purposes of this subsection, the following definitions shall
44 apply:
 - 45 a. Community partner. – A public or private entity, including, but not
46 limited to, a nonprofit corporation or a local management
47 entity/managed care organization (LME/MCO), that partners with a
48 qualifying public school unit to provide services or pay for the
49 provision of services for the unit.

- 1 b. Qualifying public school unit. – A local school administrative unit,
2 regional school, innovative school, laboratory school, or charter
3 school.
- 4 (2) Program; purpose. – The Superintendent of Public Instruction shall establish
5 the 2019 School Safety Grants Program (Program). The purpose of the
6 Program shall be to improve safety in qualifying public school units by
7 providing grants for (i) services for students in crisis, (ii) school safety
8 training, and (iii) safety equipment in schools.
- 9 (3) Grant applications. – A qualifying public school unit may submit an
10 application to the Superintendent of Public Instruction for one or more grants
11 pursuant to this section. The application shall include an assessment, to be
12 performed in conjunction with a local law enforcement agency, of the need
13 for improving school safety within the qualifying public school unit that
14 would receive the funding or services. The application shall identify current
15 and ongoing needs and estimated costs associated with those needs.
- 16 (4) Criteria and guidelines. – By November 1, 2019, the Superintendent of Public
17 Instruction shall develop criteria and guidelines for the administration and use
18 of the grants pursuant to this subsection, including any documentation
19 required to be submitted by applicants. In assessing grant applications, the
20 Superintendent of Public Instruction shall consider at least all of the following
21 factors:
- 22 a. The level of resources available to the qualifying public school unit
23 that would receive the funding.
- 24 b. Whether the qualifying public school unit has received other grants for
25 school safety.
- 26 c. The overall impact on student safety in the qualifying public school
27 unit if the identified needs are funded.
- 28 (5) Grants for students in crisis. – Of the funds appropriated to the Department of
29 Public Instruction by this act for students in crisis, the Superintendent of
30 Public Instruction, in consultation with the Department of Health and Human
31 Services, shall award grants to qualifying public school units to contract with
32 community partners to provide or pay for the provision of any of the following
33 crisis services:
- 34 a. Crisis respite services for parents or guardians of an individual student
35 to prevent more intensive or costly levels of care.
- 36 b. Training and expanded services for therapeutic foster care families and
37 licensed child placement agencies that provide services to students
38 who (i) need support to manage their health, welfare, and safety and
39 (ii) have any of the following:
- 40 1. Cognitive or behavioral problems.
- 41 2. Developmental delays.
- 42 3. Aggressive behavior.
- 43 c. Evidence-based therapy services aligned with targeted training for
44 students and their parents or guardians, including any of the following:
- 45 1. Parent-child interaction therapy.
- 46 2. Trauma-focused cognitive behavioral therapy.
- 47 3. Dialectical behavior therapy.
- 48 4. Child-parent psychotherapy.
- 49 d. Any other crisis service, including peer-to-peer mentoring, that is
50 likely to increase school safety. Of the funds allocated to the
51 Superintendent for grants pursuant to this subdivision, the

- 1 Superintendent shall not use more than ten percent (10%) for the
2 services identified in this sub-subdivision.
- 3 (6) Grants for training to increase school safety. – Of the funds appropriated to
4 the Department of Public Instruction by this act for training to increase school
5 safety, the Superintendent of Public Instruction, in consultation with the
6 Department of Health and Human Services, shall award grants to qualifying
7 public school units to contract with community partners to address school
8 safety by providing training to help students develop healthy responses to
9 trauma and stress. The training shall be targeted and evidence-based and shall
10 include any of the following services:
- 11 a. Counseling on Access to Lethal Means (CALM) training for school
12 mental health support personnel, local first responders, and teachers
13 on the topics of suicide prevention and reducing access by students to
14 lethal means.
- 15 b. Training for school mental health support personnel on comprehensive
16 and evidence-based clinical treatments for students and their parents
17 or guardians, including any of the following:
- 18 1. Parent-child interaction therapy.
19 2. Trauma-focused cognitive behavioral therapy.
20 3. Behavioral therapy.
21 4. Dialectical behavior therapy.
22 5. Child-parent psychotherapy.
- 23 c. Training for students and school employees on community resilience
24 models to improve understanding and responses to trauma and
25 significant stress.
- 26 d. Training for school mental health support personnel on Modular
27 Approach to Therapy for Children with Anxiety, Depression, Trauma,
28 or Conduct problems (MATCH-ADTC), including any of the
29 following components:
- 30 1. Trauma-focused cognitive behavioral therapy.
31 2. Parent and student coping skills.
32 3. Problem solving.
33 4. Safety planning.
- 34 e. Any other training, including the training on the facilitation of
35 peer-to-peer mentoring, that is likely to increase school safety. Of the
36 funds allocated to the Superintendent for grants pursuant to this
37 subdivision, the Superintendent shall not use more than ten percent
38 (10%) for the services identified in this sub-subdivision.
- 39 (7) Grants for safety equipment. – Of the funds appropriated to the Department
40 of Public Instruction by this section for grants for school safety equipment,
41 the Superintendent of Public Instruction shall award grants to qualifying
42 public school units for (i) the purchase of safety equipment for school
43 buildings and (ii) training associated with the use of safety equipment
44 purchased pursuant to this subsection. Notwithstanding
45 G.S. 115C-218.105(b), charter schools may receive grants for school safety
46 equipment pursuant to this subsection.
- 47 (8) Supplement not supplant. – Grants provided to qualifying public school units
48 or community partners pursuant to the Program shall be used to supplement
49 and not to supplant State or non-State funds already provided for these
50 services.

1 (9) Administrative costs. – Of the funds appropriated to the Department of Public
2 Instruction by this act for the grants provided in this subsection, the
3 Superintendent of Public Instruction may retain a total of up to one hundred
4 thousand dollars (\$100,000) for administrative costs associated with the
5 Program.

6 (10) Report. – No later than April 1, 2020, the Superintendent of Public Instruction
7 shall report on the program to the Joint Legislative Education Oversight
8 Committee, the Joint Legislative Oversight Committee on Health and Human
9 Services, the Joint Legislative Oversight Committee on Justice and Public
10 Safety, the Joint Legislative Commission on Governmental Operations, and
11 the Fiscal Research Division. The report shall include the identity of each
12 entity that received a grant through the Program, the amount of funding
13 provided to each entity that received a grant, the use of funds by each entity
14 that received a grant, and recommendations for the implementation of
15 additional effective school safety measures.

16 **SECTION 3.1.(c)** Section 7.27 of S.L. 2018-5 is repealed.

17 **SECTION 3.1.(d)** Of the funds appropriated to the Department of Public Instruction
18 by this act, the following amounts shall be allocated for the following purposes in accordance
19 with this section:

20 (1) School safety equipment grants. – The sum of six million one hundred
21 thousand dollars (\$6,100,000) in nonrecurring funds for the 2019-2020 fiscal
22 year for the purchase of safety equipment for school buildings and related
23 training.

24 (2) School safety training grants. – The sum of four million five hundred thousand
25 dollars (\$4,500,000) in nonrecurring funds for the 2019-2020 fiscal year to
26 allow qualifying public school units to contract with community partners that
27 provide training to help students develop healthy responses to trauma and
28 stress.

29 (3) Students in crisis grants. – The sum of four million five hundred thousand
30 dollars (\$4,500,000) in nonrecurring funds for the 2019-2020 fiscal year to
31 allow qualifying public school units to contract with community partners that
32 provide evidence-based crisis services to students.

33 (4) School resource officer grants. – The sum of three million dollars
34 (\$3,000,000) in recurring funds for the 2019-2020 fiscal year and the sum of
35 six million dollars (\$6,000,000) in recurring funds for the 2020-2021 fiscal
36 year for the employment and training of school resource officers.
37

38 **PART IV. SCHOOL MENTAL HEALTH CRISIS RESPONSE PROGRAM**

39 **SECTION 4.1.(a)** For purposes of this section, the following definitions shall apply:

40 (1) Participating unit. – A local school administrative unit that elects to transfer
41 school mental health personnel to a requesting unit for a temporary period of
42 time.

43 (2) Requesting unit. – A local school administrative unit requesting additional
44 school mental health support personnel for a temporary period of time.

45 (3) School mental health support personnel. – School nurses, school counselors,
46 school psychologists, and school social workers.

47 **SECTION 4.1.(b)** The Department of Public Instruction and the Center for Safer
48 Schools, in consultation with the Department of Health and Human Services and the Department
49 of Public Safety, Division of Emergency Management, shall develop a recommended program
50 for facilitating the temporary transfer of school mental health support personnel from a
51 participating unit to a requesting unit during or after a crisis. No later than March 15, 2020, the

1 Department shall submit a report on the recommended program to the Joint Legislative Education
2 Oversight Committee and the Joint Legislative Oversight Committee on Health and Human
3 Services. The report shall outline the recommended program and include, at a minimum, the
4 following information:

- 5 (1) A suggested protocol for receiving and relaying requests for additional,
6 temporary school mental health support personnel.
- 7 (2) Anticipated costs associated with the temporary transfer of school mental
8 health support personnel during or after a crisis.
- 9 (3) Descriptions of and data from any similar programs existing in other states.
- 10 (4) Additional recommendations for improving the ability of local school
11 administrative units to share school mental health support personnel, when
12 necessary, and appropriate reporting metrics related to the recommended
13 program.

14 15 **PART V. SCHOOL MENTAL HEALTH SUPPORT PERSONNEL REPORTS AND** 16 **FUNDS**

17 **SECTION 5.1.(a)** Article 21 of Chapter 115C of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 115C-316.2. School mental health support personnel reports.**

20 (a) Definition. – For purposes of this section, the term "school mental health support
21 personnel" refers to school psychologists, school counselors, school nurses, and school social
22 workers.

23 (b) Local Report. – No later than February 15 of each year, the superintendent of each
24 local school administrative unit shall report the following information to the local board of
25 education of the unit:

- 26 (1) The total number of each category of school mental health support personnel
27 employed in the unit.
- 28 (2) The difference from the previous school year in the total number of each
29 category of school mental health personnel employed in the unit.

30 (c) State Report. – No later than March 15 of each year, the Superintendent of Public
31 Instruction shall report to the Joint Legislative Education Oversight Committee and the Fiscal
32 Research Division the difference from the previous school year in the total number of each
33 category of school mental health support personnel that are funded exclusively from the
34 instructional support allotment in each local school administrative unit."

35 **SECTION 5.1.(b)** Of the funds appropriated to the Department of Public Instruction
36 by this act, the sum of twenty million dollars (\$20,000,000) in recurring funds for the 2019-2020
37 fiscal year and the sum of twenty-three million dollars (\$23,000,000) in recurring funds for the
38 2020-2021 fiscal year shall be allocated to the Instructional Support Allotment. For the
39 2019-2021 fiscal biennium, it is the intent of the General Assembly that any additional funds
40 provided to the instructional support allotment shall be used to improve student mental health by
41 increasing the number of school mental health support personnel, as defined in
42 G.S. 115C-316.2(a), in each local school administrative unit.

43 44 **PART VI. SCHOOL PSYCHOLOGIST AND SCHOOL COUNSELOR POSITION** 45 **STUDY**

46 **SECTION 6.1.(a)** The Department of Public Instruction shall study and report on
47 school psychologist and school counselor positions. The study and report shall include a review
48 of at least the following information:

- 49 (1) The number of school psychologist and school counselor positions in the State
50 and in each local school administrative unit.

- 1 (2) The allocation of school psychologists and school counselors in each local
- 2 school administrative unit among schools within those units.
- 3 (3) The methodology each local school administrative unit uses to determine the
- 4 allocation of school psychologists and school counselors within the unit.
- 5 (4) The density of school psychologists and school counselors in each geographic
- 6 region of the State.
- 7 (5) The number, percentage, and average salary of school psychologist and school
- 8 counselor positions funded with State dollars and funded with non-State
- 9 dollars.
- 10 (6) The extent to which local school administrative units provide school
- 11 psychologists and school counselors with local salary supplements and the
- 12 amounts of those salary supplements.
- 13 (7) Job descriptions posted for school psychologist and school counselor
- 14 positions as compared to actual duties of school counselors.

15 **SECTION 6.1.(b)** As part of its study, the Department shall promulgate a survey to
16 local school administrative units no later than November 1, 2019, on any topics identified in
17 subsection (a) of this section that can be answered by a local school administrative unit. Local
18 school administrative units shall respond to the survey by January 31, 2020. The Department
19 shall consolidate the information reported by the local school administrative units, provide
20 context and analysis, as necessary, and report the results of its study to the Joint Legislative
21 Education Oversight Committee and the Fiscal Research Division no later than April 1, 2020.

22 23 **PART VII. STATE BUREAU OF INVESTIGATION BEHAVIORAL THREAT** 24 **ASSESSMENT POSITIONS**

25 **SECTION 7.1.** Funds appropriated to the Department of Public Safety by this act
26 shall be used to fund eight full-time equivalent positions for sworn agents at the State Bureau of
27 Investigation. These agents shall support the Behavioral Threat Assessment (BETA) program
28 and work to identify potential threats to schools and houses of worship. These positions become
29 effective January 1, 2020.

30 31 **PART VIII. MISCELLANEOUS**

32 **SECTION 8.1.(a)** Notwithstanding any other provision of law, if House Bill 966,
33 2019 Regular Session, becomes law, then the following sections of that act are repealed:

- 34 (1) Section 7.13(b).
- 35 (2) Section 7.36.
- 36 (3) Section 7.47.
- 37 (4) Section 7.50.
- 38 (5) Section 7B.11.

39 **SECTION 8.1.(b)** If any provision of this act and G.S. 143C-5-4 are in conflict, the
40 provisions of this act shall prevail. The appropriations and the authorizations to allocate and
41 spend funds which are set out in this act shall remain in effect until the Current Operations
42 Appropriations Act for the applicable fiscal year becomes law, at which time that act shall
43 become effective and shall govern appropriations and expenditures. When the Current
44 Operations Appropriations Act for that fiscal year becomes law, the Director of the Budget shall
45 adjust allotments to give effect to that act from July 1 of the fiscal year.

46 47 **PART IX. EFFECTIVE DATE**

48 **SECTION 9.1.** Except as otherwise provided, this act becomes effective July 1,
49 2019.