GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021

Η

HOUSE BILL 657 PROPOSED COMMITTEE SUBSTITUTE H657-PCS30342-BN-5

Short Title: School Safety/Threat Assessment Teams. (Public) Sponsors: Referred to: April 26, 2021 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF SCHOOL SAFETY REQUIREMENTS TO PUBLIC SCHOOL UNITS, TO ENCOURAGE CERTAIN NONPUBLIC SCHOOLS TO

- TAKE MEASURES TO IMPROVE SCHOOL SAFETY, TO REQUIRE THAT THREAT ASSESSMENT TEAMS BE ESTABLISHED AT EACH PUBLIC SCHOOL UNIT. AND TO CODIFY THE DUTIES OF THREAT ASSESSMENT TEAMS.
- 7 The General Assembly of North Carolina enacts:
- 8

1 2

3

4

5

6

9 PART I. CLARIFY APPLICATION OF SCHOOL SAFETY REQUIREMENTS TO PUBLIC SCHOOL UNITS AND ENCOURAGE CERTAIN NONPUBLIC SCHOOLS TO 10 11 TAKE MEASURES TO IMPROVE SCHOOL SAFETY

12 SECTION 1.(a) G.S. 115C-105.46, 115C-105.47A, and 115C-105.48 are codified 13 into Part 1 of Article 8C of Chapter 115C of the General Statutes, Local Plans for Alternative 14 Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools. Part 1 shall 15 be entitled "Local Plans for Alternative Schools/Alternative Learning Programs." The remaining 16 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." 17 18

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

19 "§ 115C-105.49. School safety exercises.

20 At least once annually, each local school administrative public school unit shall (a) 21 require each school under its control to hold a full school-wide tabletop exercise and drill based 22 on the procedures documented in its School Risk Management Plan (SRMP). (SRMP) and shall 23 report the date and time the drill is conducted to the Center for Safer Schools. The drill shall 24 include a practice school lockdown due to an intruder on school grounds. Each school is 25 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 26 27 management agencies in their tabletop exercises and drills. The purpose of the tabletop exercises 28 and drills shall be to permit participants to (i) discuss simulated emergency situations in a 29 low-stress environment, (ii) clarify their roles and responsibilities and the overall logistics of 30 dealing with an emergency, and (iii) identify areas in which the SRMP needs to be modified. 31 . . .

32 The Department of Public Safety, Division of Emergency Management, and the (d) 33 Center for Safer Schools shall provide guidance and recommendations to local school 34 administrative public school units on the types of multiple hazards to plan and respond to, including intruders on school grounds." 35

36

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



D

General Assembly Of North Carolina

1 "(b) In constructing the SRRMS, the Division of Emergency Management and the Center 2 for Safer Schools, in collaboration with the Department of Public Instruction, Division of School 3 Operations, shall leverage the existing enterprise risk management database, the School Risk 4 Management Planning tool managed by the Division of Emergency Management. The Division 5 of Emergency Management shall also leverage the local school administrative public school unit 6 and participating nonpublic school schematic diagrams of school facilities. Where technically 7 feasible, the SRRMS shall integrate any anonymous tip lines established pursuant to 8 G.S. 115C-105.51 and any 911-initiated panic alarm systems authorized as part of a SRMP 9 pursuant to G.S. 115C-47(40). The Division of Emergency Management and the Center for Safer 10 Schools shall collaborate with the Department of Public Instruction, Division of School Operations, the Center for Safer Schools, and the North Carolina 911 Board in the design, 11 12 implementation, and maintenance of the SRRMS." 13 SECTION 1.(d) G.S. 115C-105.52 reads as rewritten: 14 "§ 115C-105.52. School crisis kits. 15 The Department of Public Instruction, Division of School Operations, and the Center (a) for Safer Schools, in consultation with the Department of Public Safety and the Department of 16 17 Public Instruction, Division of School Operations, Safety, may develop and adopt policies on the 18 placement of school crisis kits in schools and on the contents of those kits. The kits should 19 include, at a minimum, basic first-aid supplies, communications devices, and other items 20 recommended by the International Association of Chiefs of Police. 21 The principal of each school, in coordination with the law enforcement agencies that (b) 22 are part of the local board of education's public school unit's School Risk Management Plan, may place one or more crisis kits at appropriate locations in the school." 23 24 **SECTION 1.(e)** G.S. 115C-105.53 reads as rewritten: 25 "§ 115C-105.53. Schematic diagrams and emergency access to school buildings for local 26 law enforcement agencies. 27 Each local school administrative public school unit shall provide the following to (a) 28 local law enforcement agencies: (i) schematic diagrams, including digital schematic diagrams, 29 and (ii) either keys to the main entrance of all school buildings or emergency access to key storage 30 devices such as KNOX® boxes for all school buildings. Local school administrative Public 31 school units shall provide updates of the schematic diagrams to local law enforcement agencies 32 when substantial modifications such as new facilities or modifications to doors and windows are 33 made to school buildings. Local school administrative Public school units shall also be 34 responsible for providing local law enforcement agencies with updated access to school buildings 35 when changes are made to the locks and other access control devices of the main entrances or to 36 key storage devices such as KNOX® boxes. 37 (b) The Department of Public Instruction, in consultation with the Department of Public 38 Safety, shall develop standards and guidelines for the preparation and content of schematic 39 diagrams and necessary updates. Local school administrative Public school units and 40 participating nonpublic schools may use these standards and guidelines to assist in the 41 preparation of their schematic diagrams. 42" 43 **SECTION 1.(f)** G.S. 115C-105.54(a) reads as rewritten: 44 Each local school administrative public school unit shall provide the following to the "(a) 45 Division of Emergency Management (Division) at the Department of Public Safety: (i) schematic 46 diagrams, including digital schematic diagrams, and (ii) emergency response information 47 requested by the Division for the School Risk Management Plan (SRMP). Local school 48 administrative Public school units shall also provide updated schematic diagrams and emergency

49 response information to the Division when such updates are made. The Division shall ensure that

50 the diagrams and emergency response information are securely stored and distributed as provided

	General Assemb	oly Of North Carolina	Session 2021
	in the SRMP to	first responders, emergency personnel, and school personnel	el and approved by
2	the Department of	of Public Instruction."	
3		FION 1.(g) G.S. 115C-218.75(b), (d), (e), and (e1) are repe	aled.
ŀ		FION 1.(h) G.S. 115C-218.75 is amended by adding a new	
		charter school shall comply with the requirements for public	
	2 of Article 8C o		
	SECT	FION 1.(i) G.S. 115C-238.66(7a), (7b), (7c), (7d), and (7e)	are repealed.
		FION 1.(j) G.S. 115C-238.66 is amended by adding a new s	-
		Each regional school shall comply with the requirement	
	<u></u>	units in Part 2 of Article 8C of this Chapter."	<u>.</u>
	SECT	FION 1.(k) G.S. 116-239.8(b)(10), (11), (12), and (13) are :	repealed.
		FION 1. (<i>l</i>) G.S. 116-239.8(b) is amended by adding a new s	1
		Laboratory schools shall comply with the requirements for	
	<u> </u>	in Part 2 of Article 8C of Chapter 115C of the General Sta	-
	SEC	FION 1.(m) G.S. 115C-75.9 is amended by adding a new s	
		ol Safety Innovative schools shall comply with the requ	
		art 2 of Article 8C of Chapter 115C of the General Statutes.	-
		FION 1.(n) Article 9C of Chapter 115C of the General Stat	
	adding a new sec	· · ·	·····
	" <u>§ 115C-150.16.</u>		
		erned by this Article shall comply with the requirements for	public school units
	_	le 8C of this Chapter."	<u>.</u>
		FION 1.(o) G.S. 115C-551 reads as rewritten:	
		oluntary participation in the State programs.	
		such private church school or school of religious charter n	nav. on a voluntarv
		in any State operated or sponsored program which would oth	
	· 1 1	ncluding but not limited to the high school competency te	
	testing programs		
		rivate church schools and all schools of religious charter ar	e encouraged to do
	the following:	<u></u>	_
	<u>(1)</u>	School Risk Management Plan. – In coordination with loc	cal law enforcement
	<u></u>	agencies, adopt a School Risk Management Plan (SRMP)	
		of school violence. In constructing and maintaining thes	
		may utilize the School Risk and Response Management	±
		established pursuant to G.S. 115C-105.49A. These plans a	
		public record as the term "public record" is defined under (
		not be subject to inspection and examination under G.S. 1	
	<u>(2)</u>	Schematic diagrams and school crisis kits. – Provide sche	
	<u>1</u>	keys to the main entrance of school facilities to loca	
		agencies, in addition to implementing the provisions in G.	
	<u>(3)</u>	School safety exercises. – At least once a year, hold	
	<u>\U/</u>	lockdown exercise with local law enforcement and emer	
		agencies that are part of the private school's SRMP.	<u> </u>
	<u>(4)</u>	Safety information provided to the Department of Public	Safety. Division of
	<u></u>	Emergency Management. – Provide the following: (i) so	•
		including digital schematic diagrams, and (ii) en	
		information requested by the Division for the SRMP. The	
		and emergency response information are not considered p	
		term "public record" is defined under G.S. 132-1 and sha	
		inspection and examination under G.S. 132-6."	<u></u>
	SEC	FION 1.(p) G.S. 115C-559 reads as rewritten:	
	SEC.		

G	eneral	Assem	oly Of North Carolina	Session 2021
"§	§ 115C-	559. V	oluntary participation in the State programs.	
	<u>(a)</u>	Any a	such qualified nonpublic school may, on a voluntary b	asis, participate in any
St	tate ope	erated of	or sponsored program which would otherwise be ava	ailable to such school,
in	cluding	but no	t limited to the high school competency testing and state	wide testing programs.
	(b)	All q	alified nonpublic schools are encouraged to do the follo	owing:
	<u></u> ,	(1)	School Risk Management Plan. – In coordination with	
		<u>, , , , , , , , , , , , , , , , , , , </u>	agencies, adopt a School Risk Management Plan (SRM	
			of school violence. In constructing and maintaining	
			may utilize the School Risk and Response Managen	-
			established pursuant to G.S. 115C-105.49A. These pla	-
			public record as the term "public record" is defined und	· · · · · · · · · · · · · · · · · · ·
			not be subject to inspection and examination under G.	
		<u>(2)</u>	Schematic diagrams and school crisis kits. – Provide s	
		<u>1</u> =1	keys to the main entrance of school facilities to	
			agencies, in addition to implementing the provisions i	
		<u>(3)</u>	School safety exercises. – At least once a year, h	
		<u> </u>	lockdown exercise with local law enforcement and e	
			agencies that are part of the private school's SRMP.	&
		<u>(4)</u>	Safety information provided to the Department of Pul	blic Safety, Division of
			Emergency Management Provide the following: (-
			including digital schematic diagrams, and (ii)	emergency response
			information requested by the Division for the SRMP.	The schematic diagrams
			and emergency response information are not considered	ed public records as the
			term "public record" is defined under G.S. 132-1 and	shall not be subject to
			inspection and examination under G.S. 132-6."	
P .	ART II		EAT ASSESSMENT TEAMS	~
	1 1.		FION 2.(a) Article 8C of Chapter 115C of the General	Statutes is amended by
	0		ction to read:	
<u> </u>	<u> 115C-</u>	<u>105.05.</u>	<u>Threat assessment teams.</u>	
	<u>(a)</u>		itions. – The following definitions apply in this section:	
		<u>(1)</u>	<u>Superintendent. – The superintendent or, if there is no s</u>	superintendent, the starr
		$\langle 0 \rangle$	member with the highest decision-making authority.	
		<u>(2)</u>	<u>Threat assessment. – A fact-based process of iden</u>	
			managing individuals who may pose a risk of violence	ce or other narm to self
		(2)	or others.	1
		<u>(3)</u>	<u>Threat assessment team. – A multidisciplinary team t</u>	
			limited to, persons with expertise in counselin	-
			administration, and law enforcement that conducts t	
			public school unit when threatening behavior has be when a student has angeged in threatening behavior	
			when a student has engaged in threatening behavio	
			evaluation. When practicable, at least one member of a	•
			shall be a school psychologist or, if a school psychol	
			psychologist or psychiatrist. Members of a threat asses employees of the public school unit may review stude	•
			in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a writt	
			public school unit of the requirements and responsibility	
			records under the federal Family Educational Rights a	
		(4)	Threatening behavior. – Any communication or action	
			individual may pose a danger to the safety or well-b	
			students through acts of violence or other behaviors th	

	General Assem	bly Of North Carolina	Session 2021
1		self or others. These behaviors may be	e expressed or communicated orally,
2		visually, in writing, electronically, or the	hrough any other means and may be
3		considered threatening regardless of	whether a direct verbal threat is
4		expressed.	
5		Center for Safer Schools shall develop po	
6	*	its in consultation with the Task Force for S	• •
7		ate Bureau of Investigation, and relevan	
8	-	t reference or reveal any information that	-
9		-47(40), Part 2 of Article 8C of this Chapte	-
10	-	lude at a minimum procedures for all of th	
11	<u>(1)</u>	Assessment of and intervention with a s	•
12	(2)	the safety of school staff, school student	
13 14	<u>(2)</u>	Involvement of the student's parent or	legal guardian throughout the threat
14 15	(2)	assessment process. Referral to LME/MCOs, as provided in (C = 122C = 115 A(h)(0) for evaluation
15 16	<u>(3)</u>	or treatment, when appropriate.	(3.3.122C-113.4(0)(9), 101 evaluation)
10	<u>(4)</u>	Compliance with the Family Education	al Dights and Drivacy Act (EEDDA)
17	<u>(+)</u>	20 U.S.C. § 1232g, the Individuals with	• • • • •
19		20 U.S.C. § 1400, et seq., and Article	
20		Statutes.	y of enapter fise of the ceneral
21	(c) The	governing body of the public school unit s	hall adopt at a minimum the policies
22		e Center for Safer Schools, in accordance v	
23		t of threat assessment teams, including the	
24		n individuals whose behavior may pose a	
25		policies shall not reference or reveal any i	
26	a public record u	nder G.S. 115C-47(40), Part 2 of Article 80	C of this Chapter, or any other relevant
27	statute.		
28	(d) The s	uperintendent or designee may establish a	committee charged with coordination
29		f the threat assessment teams operating with	· · ·
30		lished by the unit. If a committee is esta	
31		expertise in human resources, education,	school administration, mental health,
32	and law enforce		
33		school in the public school unit shall have	- · ·
34		by the superintendent. In the discretion	-
35		t team may serve more than one school	in the unit. Each team shall do the
36	following:		
37	<u>(1)</u>	Provide guidance to students, faculty,	
38		reporting of threatening behavior that	may indicate a risk of narm to the
39 40	(2)	community, school, or self. When threatening behaviors are ident	ified conduct threat assessments to
40 41	<u>(2)</u>	determine appropriate actions and inte	
41		determined by the assessment. A threat	
42 43		level of risk posed by an individual or si	
44			tuation does not appear to pose a risk
45			elf or others and any exhibited issues
46		or concerns can be resolved easi	-
47			or situation does not appear to pose a
48			n to self or others, at this time, but
49			a need for intervention, which may
50			ehavioral supports, services intended

General	Assem	bly Of North Carolina	Session 2021
		to address the impact of stressors, mental heat treatment, and mediation for student conflicts or bu	-
		<u>c.</u> <u>High risk. – The individual or situation appears</u>	
		violence or serious harm to self or others, exhibit	
		indicate both a continuing intent to harm and effe	
		capacity to carry out the plan, and may also exhibit	_
		behavior that requires intervention.	5
		<u>d.</u> <u>Imminent risk. – The individual or situation appe</u>	ars to pose a clear
		and immediate risk of serious violence toward o	÷
		containment and action to protect identified or identified	entifiable target or
		targets and may also exhibit other concerning beh	avior that requires
		intervention.	
	<u>(3)</u>	Identify members of the school community to whom the	reatening behavior
		should be reported.	
	<u>(4)</u>	Implement policies adopted by the governing body of the	public school unit
		pursuant to subsection (c) of this section.	
	<u>(5)</u>	Utilize anonymous reporting applications for students to	share information
(2)		about school safety concerns requiring investigation.	
<u>(f)</u>		a determination that an individual poses a high risk or immin	
		n to self or others, a threat assessment team shall imm	
<u>etermin</u> ollows:		the superintendent or the superintendent's designee, who	shall respond as
<u>///0/w3.</u>	(1)	The superintendent or designee shall immediately atte	mpt to notify the
	<u>(1)</u>	student's parent or legal guardian. The superintendent	
		responsibility for notification to the principal of the school	
		notice be made to the principal directly.	<u> </u>
	(2)	In the case of threatening behavior that is an imminent risk	and determined to
		be an emergency by the superintendent or designee un	der the standards
		established by the Family Educational Rights and Privacy	Act in 20 U.S.C. §
		1232g(b)(1)(I), the superintendent or designee shall	provide notice to
		individuals who are the subject of threatening behavior and	l, if a student is the
		subject of threatening behavior, the superintendent or desi	gnee shall provide
		notice to the student's parent or legal guardian. All n	
		accordance with the Family Educational Rights and Privac	-
		1232g. The superintendent may delegate the responsibility	
		the principal of the school and may require notice be ma	de to the principal
		directly.	
	<u>(3)</u>	In the case of threatening behavior that is an imminent risk,	•
		or designee shall immediately notify the appropriate loca	
		agency. In the case of threatening behavior that is	
		superintendent or designee shall notify the appropriate loca	
		agency when recommended by the threat assessment team.	
	<u>(4)</u>	When the threat assessment team makes a recommendation	
		referred for mental health services, the superintendent or de	
		the student's parent or legal guardian of all of the following	
		a. That the threat assessment team has recommended	mai me student de
		<u>b.</u> <u>referred for mental health services.</u><u>b.</u> <u>That if the student is covered by private insurar</u>	non or a Madiavid
		b. <u>That if the student is covered by private insurar</u> prepaid health plan, then the parent or guardian	
		contact the student's primary care provider or insur	-
		contract the structure printing out provider of mout	manee ecilipality.

Genera	l Assemb	oly Of I	North Carolina	Session 2021
		<u>c.</u>	That if the student is uninsured	or is covered by Medicaid and not
		—		an, then the parent or guardian is
			encouraged to contact the local	management entity/managed care
			organization that serves the catch	ment area where the student resides.
		<u>d.</u>		uardian's consent, if the student is
				icaid and not enrolled in a prepaid
				ent or designee shall make a referral
				an's contact information to the local
				are organization that serves the
			catchment area where the student	
	<u>(5)</u>			ply with the requirements of Article
			this Chapter for any student discipl	
	-			ersonnel from acting immediately to
		-	vior that is an imminent risk.	
<u>(g)</u>			_	suant to this section shall report
				ols according to guidance developed
by the C			shall include, at a minimum, the fo	-
	<u>(1)</u>			ucted annually and demographic
	(2)		nation on subjects of those assessm	
	<u>(2)</u>			resulted in a determination that the eatening behavior and demographic
			nation on those individuals.	eatening behavior and demographic
	<u>(3)</u>	-		rmination that the individual being
	<u>(3)</u>		sed exhibited threatening behavior.	miniation that the individual being
	(4)	-		to determination that the individual
			assessed exhibited threatening beh	
(h)	Upon			t team that an individual exhibited
			•	risk, a threat assessment team may
	he follow		<u> </u>	
	(1)	Healt	h records. – Notwithstanding G.S. 8	8-53 or any other provision of law, a
		healtl	n care provider may disclose prot	ected health information related to
		threat	ening behavior that poses a high ri	sk or an imminent risk to the health
		or sat	ety of school staff or students to a	member of a threat assessment team
		<u>who i</u>	s a school nurse, school psychologis	t, or other licensed health or licensed
		menta	al health professional. The member	of the threat assessment team who
			-	an explanation of the health records
		-	-	ainder of the threat assessment team.
	<u>(2)</u>			team may obtain criminal history as
				reat assessment of a student with
		-		team shall have access to written
				B-3101 and information gained from
		-	U U	cordance with G.S. 7B-3100, held
		-		l pursuant to G.S. 115C-404 shall be
			ed to the principal following review	•
				t assessment team pursuant to this
				record subject to Chapter 132 of the
			•	th an emergency under the standards $at in 20 \text{ US} C = \frac{8}{222} \frac{1222}{\alpha(b)(1)(1)}$
			y Educational Rights and Privacy A	
<u>(i)</u>	-			its members, employees, designees, party for any loss or damage caused
				lementation of any component of the
<u>uy ally a</u>		1351011 10	rating to the participation in or http:	tementation of any component of the

General Ass	embly Of North Carolina	Session 2021
threat assess	nent team policies required by this section, unless that act	t or omission amounts to
	nce, wanton conduct, or intentional wrongdoing. Nothing	g in this section shall be
	impose any specific duty of care or standard of care."	
	ECTION 2.(b) Article 13 of Chapter 143B of the Genera	l Statutes is amended by
U	section to read:	
	1. Criminal records checks for threat assessment team	
-	rtment of Public Safety may provide a criminal record ch	
	nent team established by the governing body of a public s	
	7a), pursuant to G.S. 115C-105.65 for the purpose of admi	
	or intervening when a determination has been made that	
	behavior that poses an imminent risk to school safety.	•
	eam shall redisclose any criminal history record informat	-
	r otherwise use any record of an individual beyond the pur	pose that such disclosure
	the threat assessment team."	1 1
	ECTION 2.(c) G.S. 115C-47 is amended by adding a new	
<u>(</u>	65) Peer-to-peer student support programs. – Local be	
	require peer-to-peer student support programs be e	
	with grades six and higher and are encouraged to	
C	student support programs as appropriate in other grad	
	ECTION 2.(d) G.S. 115C-316.1 is amended by adding a	
	chool counselors, as part of the direct services provided	
	l coordinate and provide training for students in peer-	
	at address areas such as conflict resolution, general he	
	he Center for Safer Schools will support school counselors	in the administration and
	eer-to-peer student support programs."	na a nam anh division ta
read:	ECTION 2.(e) G.S. 122C-115.4(b) is amended by additional data and the second data and	ng a new subdivision to
	0) Each IME/MCO shall reactive referred from as	haal annomintandanta an
7	9) Each LME/MCO shall receive referrals from sci designees in accordance with C.S. 115C 105 65(f)	-
	designees in accordance with G.S. 115C-105.65(f)	
	who are uninsured or are covered by Medicaid and	
	health plan residing in the LME/MCO's catchment a	
	days after receipt of a referral, the LME/MCO sh	
	parent or legal guardian using the information prov	
	shall provide assistance with identifying appropriat	
	resources available to the student. The assistance s	
	sources of funding to assist with the cost of mental h	
	providing referrals to appropriate mental health serv	ice providers and mental
	health services."	
	FFECTIVE DATE	111
	ECTION 3. This act is effective when it becomes law. All	
0	ed to have peer-to-peer student support programs by the	•
	hreat assessment teams required by G.S. 115C-105.65(b)	-
	loped by the Center for Safer Schools no later than Decen	-
	s shall establish policies and threat assessment t 05.65(c), as enacted by this act, no later than March 1, 2022	1 .
VI.S. 115U-10	DODICH AS CHACLED DV THIS ACL. NO LATER THAN MARCH 1. 2024	 Subsections (C) and (d).

G.S. 115C-105.65(c), as enacted by this act, no later than March 1, 2022. Subsections (c) and (d)
of Section 2 of this act apply beginning with the 2022-2023 school year. The remainder of this
act applies beginning with the 2021-2022 school year.