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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.

The General Assembly of North Carolina enacts:

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

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

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



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

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

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

"§ 115C-105.52. School crisis kits.

(a) The ~~Department of Public Instruction, Division of School Operations, and the Center for Safer Schools~~, in consultation with the Department of Public Safety ~~and the Department of Public Instruction, Division of School Operations, Safety~~, may develop and adopt policies on the placement of school crisis kits in schools and on the contents of those kits. The kits should include, at a minimum, basic first-aid supplies, communications devices, and other items recommended by the International Association of Chiefs of Police.

(b) The principal of each school, in coordination with the law enforcement agencies that 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."

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

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

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

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

...."

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

"(a) Each ~~local school administrative-public school unit~~ shall provide the following to the Division of Emergency Management (Division) at the Department of Public Safety: (i) schematic diagrams, including digital schematic diagrams, and (ii) emergency response information requested by the Division for the School Risk Management Plan (SRMP). ~~Local school administrative-Public school~~ units shall also provide updated schematic diagrams and emergency response information to the Division when such updates are made. The Division shall ensure that the diagrams and emergency response information are securely stored and distributed as provided

in the SRMP to first responders, emergency personnel, and school personnel and approved by the Department of Public Instruction."

SECTION 1.(g) G.S. 115C-218.75(b), (d), (e), and (e1) are repealed.

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

"(i) Each charter school shall comply with the requirements for public school units in Part 2 of Article 8C of this Chapter."

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

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

"(17) Each regional school shall comply with the requirements for public school units in Part 2 of Article 8C of this Chapter."

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

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

"(19) Laboratory schools shall comply with the requirements for public school units in Part 2 of Article 8C of Chapter 115C of the General Statutes."

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

"(h1) School Safety. – Innovative schools shall comply with the requirements for public school units in Part 2 of Article 8C of Chapter 115C of the General Statutes."

SECTION 1.(n) Article 9C of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-150.16. School safety.

A school governed by this Article shall comply with the requirements for public school units in Part 2 of Article 8C of this Chapter."

SECTION 1.(o) G.S. 115C-551 reads as rewritten:

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

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

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

(1) School Risk Management Plan. – In coordination with local law enforcement agencies, adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, the school may utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not considered a public record 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.

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

(3) School safety exercises. – At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the private school's SRMP.

(4) Safety information provided to the Department of Public Safety, Division of Emergency Management. – Provide the following: (i) schematic diagrams, 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 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."

SECTION 1.(p) G.S. 115C-559 reads as rewritten:

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

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

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

- (1) School Risk Management Plan. – In coordination with local law enforcement agencies, adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, the school may utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not considered a public record 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.
- (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- (3) School safety exercises. – At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the private school's SRMP.
- (4) Safety information provided to the Department of Public Safety, Division of Emergency Management. – Provide the following: (i) schematic diagrams, 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 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."

PART II. THREAT ASSESSMENT TEAMS

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

"§ 115C-105.65. Threat assessment teams.

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

- (1) Superintendent. – The superintendent or, if there is no superintendent, the staff member with the highest decision-making authority.
- (2) Threat assessment. – A fact-based process of identifying, assessing, and managing individuals who may pose a risk of violence or other harm to self or others.
- (3) Threat assessment team. – A multidisciplinary team that includes, but is not limited to, persons with expertise in counseling, instruction, school administration, and law enforcement that conducts threat assessments in a public school unit when threatening behavior has been communicated and when a student has engaged in threatening behavior that warrants further evaluation. When practicable, at least one member of a threat assessment team shall be a school psychologist or, if a school psychologist is not available, a psychologist or psychiatrist. Members of a threat assessment team who are not employees of the public school unit may review student records as provided in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a written agreement with the public school unit of the requirements and responsibilities for use of student records under the federal Family Educational Rights and Privacy Act.
- (4) Threatening behavior. – Any communication or action that indicates that an individual may pose a danger to the safety or well-being of school staff or students through acts of violence or other behaviors that would cause harm to

self or others. These behaviors may be expressed or communicated orally, visually, in writing, electronically, or through any other means and may be considered threatening regardless of whether a direct verbal threat is expressed.

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

- (1) Assessment of and intervention with a student whose behavior poses a risk to the safety of school staff, school students, or self.
- (2) Involvement of the student's parent or legal guardian throughout the threat assessment process.
- (3) Referral to LME/MCOs, as provided in G.S. 122C-115.4(b)(9), for evaluation or treatment, when appropriate.
- (4) Compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq., and Article 9 of Chapter 115C of the General Statutes.

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

(d) The superintendent or designee may establish a committee charged with coordination and monitoring of the threat assessment teams operating within the unit, which may be an existing committee established by the unit. If a committee is established, the committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

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

- (1) Provide guidance to students, faculty, and staff regarding recognition and reporting of threatening behavior that may indicate a risk of harm to the community, school, or self.
- (2) When threatening behaviors are identified, conduct threat assessments to determine appropriate actions and intervention based on the level of risk determined by the assessment. A threat assessment team shall determine the level of risk posed by an individual or situation as follows:
 - a. Low risk. – The individual or situation does not appear to pose a risk of violence or serious harm to self or others and any exhibited issues or concerns can be resolved easily.
 - b. Moderate risk. – The individual or situation does not appear to pose a risk of violence or serious harm to self or others, at this time, but exhibits behaviors that indicate a need for intervention, which may include increased academic or behavioral supports, services intended

- 1 to address the impact of stressors, mental health or drug abuse
2 treatment, and mediation for student conflicts or bullying.
- 3 c. High risk. – The individual or situation appears to pose a risk of
4 violence or serious harm to self or others, exhibiting behaviors that
5 indicate both a continuing intent to harm and efforts to acquire the
6 capacity to carry out the plan, and may also exhibit other concerning
7 behavior that requires intervention.
- 8 d. Imminent risk. – The individual or situation appears to pose a clear
9 and immediate risk of serious violence toward others that requires
10 containment and action to protect identified or identifiable target or
11 targets and may also exhibit other concerning behavior that requires
12 intervention.
- 13 (3) Identify members of the school community to whom threatening behavior
14 should be reported.
- 15 (4) Implement policies adopted by the governing body of the public school unit
16 pursuant to subsection (c) of this section.
- 17 (5) Utilize anonymous reporting applications for students to share information
18 about school safety concerns requiring investigation.
- 19 (f) Upon a determination that an individual poses a high risk or imminent risk of violence
20 or physical harm to self or others, a threat assessment team shall immediately report its
21 determination to the superintendent or the superintendent's designee, who shall respond as
22 follows:
- 23 (1) The superintendent or designee shall immediately attempt to notify the
24 student's parent or legal guardian. The superintendent may delegate the
25 responsibility for notification to the principal of the school and may require
26 notice be made to the principal directly.
- 27 (2) In the case of threatening behavior that is an imminent risk and determined to
28 be an emergency by the superintendent or designee under the standards
29 established by the Family Educational Rights and Privacy Act in 20 U.S.C. §
30 1232g(b)(1)(I), the superintendent or designee shall provide notice to
31 individuals who are the subject of threatening behavior and, if a student is the
32 subject of threatening behavior, the superintendent or designee shall provide
33 notice to the student's parent or legal guardian. All notices shall be in
34 accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. §
35 1232g. The superintendent may delegate the responsibility for notification to
36 the principal of the school and may require notice be made to the principal
37 directly.
- 38 (3) In the case of threatening behavior that is an imminent risk, the superintendent
39 or designee shall immediately notify the appropriate local law enforcement
40 agency. In the case of threatening behavior that is a high risk, the
41 superintendent or designee shall notify the appropriate local law enforcement
42 agency when recommended by the threat assessment team.
- 43 (4) When the threat assessment team makes a recommendation that the student be
44 referred for mental health services, the superintendent or designee shall notify
45 the student's parent or legal guardian of all of the following information:
- 46 a. That the threat assessment team has recommended that the student be
47 referred for mental health services.
- 48 b. That if the student is covered by private insurance or a Medicaid
49 prepaid health plan, then the parent or guardian is encouraged to
50 contact the student's primary care provider or insurance company.

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

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

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

Nothing in this subsection shall preclude public school personnel from acting immediately to address threatening behavior that is an imminent risk.

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

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

(2) Total number of threat assessments that resulted in a determination that the individual being assessed exhibited threatening behavior and demographic information on those individuals.

(3) All actions taken in response to a determination that the individual being assessed exhibited threatening behavior.

(4) All results of actions taken in response to determination that the individual being assessed exhibited threatening behavior.

(h) Upon a determination by the threat assessment team that an individual exhibited threatening behavior that poses a high risk or an imminent risk, a threat assessment team may obtain the following:

(1) Health records. – Notwithstanding G.S. 8-53 or any other provision of law, a health care provider may disclose protected health information related to threatening behavior that poses a high risk or an imminent risk to the health or safety of school staff or students to a member of a threat assessment team who is a school nurse, school psychologist, or other licensed health or licensed mental health professional. The member of the threat assessment team who receives the health records shall provide an explanation of the health records when sharing those records with the remainder of the threat assessment team.

(2) Criminal records. – A threat assessment team may obtain criminal history as provided in G.S. 143B-931.1. For a threat assessment of a student with juvenile records, the threat assessment team shall have access to written notifications received pursuant to G.S. 7B-3101 and information gained from examination of juvenile records in accordance with G.S. 7B-3100, held pursuant to G.S. 115C-404. Records held pursuant to G.S. 115C-404 shall be returned to the principal following review by the threat assessment team.

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

(i) No governing body of a public school unit, nor its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused by any act or omission relating to the participation in or implementation of any component of the

threat assessment team policies required by this section, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose any specific duty of care or standard of care."

SECTION 2.(b) Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-931.1. Criminal records checks for threat assessment teams.

The Department of Public Safety may provide a criminal record check to the members of a threat assessment team established by the governing body of a public school unit, as defined in G.S. 115C-5(7a), pursuant to G.S. 115C-105.65 for the purpose of administering criminal justice in assessing or intervening when a determination has been made that an individual exhibits threatening behavior that poses an imminent risk to school safety. No member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team."

SECTION 2.(c) G.S. 115C-47 is amended by adding a new subdivision to read:

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

SECTION 2.(d) G.S. 115C-316.1 is amended by adding a new subsection to read:

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

SECTION 2.(e) G.S. 122C-115.4(b) is amended by adding a new subdivision to read:

"(9) Each LME/MCO shall receive referrals from school superintendents or designees in accordance with G.S. 115C-105.65(f)(4)d. related to students who are uninsured or are covered by Medicaid and not enrolled in a prepaid health plan residing in the LME/MCO's catchment area. Within 10 calendar days after receipt of a referral, the LME/MCO shall contact the student's parent or legal guardian using the information provided on the referral and shall provide assistance with identifying appropriate existing mental health resources available to the student. The assistance shall include identifying sources of funding to assist with the cost of mental health services as well as providing referrals to appropriate mental health service providers and mental health services."

PART III. EFFECTIVE DATE

SECTION 3. This act is effective when it becomes law. All local boards of education are encouraged to have peer-to-peer student support programs by the 2021-2022 school year. Policies for threat assessment teams required by G.S. 115C-105.65(b), as enacted by this act, shall be developed by the Center for Safer Schools no later than December 31, 2021. All public school units shall establish policies and threat assessment teams as required by 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.