



HOUSE BILL 76: School Safety Omnibus.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	February 26, 2019
Introduced by:	Reps. White, Torbett, Horn, Elmore	Prepared by:	Samantha Yarborough Staff Attorney
Analysis of:	PCS to First Edition H76-CSBN-1		

OVERVIEW: *HB 76 would do the following:*

- *Establish that school safety requirements apply to all public schools, and allow non-public schools to participate.*
- *Clarify the powers and duties of the Center for Safer Schools.*
- *Require threat assessment teams be established at each public school and codify the duties of the threat assessment teams.*
- *Require local boards of education to require peer-to-peer support programs at all schools with grades six and higher.*
- *Require county boards of education to develop county state of emergency plans for all public school units in the county.*
- *Define the term "school resource officer" and require training for SROs.*
- *Require annual vulnerability assessments for each public school building.*

The PCS for HB 76 would make various technical and clarifying changes, require LME/MCOs to provide assistance to students referred by the superintendent, and require reporting on the operational status of all public schools during states of emergency, rather than the development of a county state of emergency plan.

CURRENT LAW and BILL ANALYSIS:

Section 1: Currently, there is not a universal term that encompasses each type of public school. Charter schools, regional school, and lab schools are encouraged, but not required, to participate in all school safety requirements that exist for traditional public schools.

Section 1.(a) would create a new definition for the term "public school unit" that refers to all public schools operating in the State, including local school administrative units, charter schools, regional schools, and schools operated by various State agencies.

Section 1.(b) would recodify G.S. 115C-105.46, 115C-105.47A, and 115C-105.48 as Part 1 of Article 8C of Chapter 115C of the General Statutes, titled "Local Plans for Alternative Schools/Alternative

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Learning Programs." The remaining sections would be codified into Part 2, "Maintaining Safe and Orderly Schools".

Sections 1.(c) through 1.(q) address charter schools, regional schools, innovative schools, and lab schools and would require each to meet all the school safety requirements that exist for local school administrative units. These include adoption of School Risk Management Plans (SRMPs), annual school-wide tabletop drills and exercises, and provision of schematic diagrams of the schools to local law enforcement and the Division of Public Safety (DPS).

Sections 1.(r) and 1.(s) would encourage religious schools and other nonpublic schools to adopt SRMPs, hold school safety exercises and provide schematic diagrams to local law enforcement and the DPS.

Section 1 becomes effective July 1, 2019.

Section 2: Currently, the Center for Safer Schools (Center) does not have delineated responsibilities.

Section 2.(a) would create specific responsibilities for the Center, including the following:

- Serving as a resource and referral center on school safety concerns.
- Providing training for public school personnel.
- Collecting, analyzing, and disseminating school safety data.
- Developing policies for threat assessment teams, in consultation with Disability Rights NC, the State Bureau of Investigation, and other relevant State government agencies, by no later than December 31, 2019.

The Center would receive guidance from the Task Force for Safer Schools, and would collaborate with other State agencies in its work.

Section 3: There is not a current requirement for threat assessment teams in public school units. Under current law, G.S. 115C-316.1, school counselors are required to spend at least 80% of their work time providing direct services to students.

Section 3.(a) would establish a requirement that all public school units have threat assessment teams to assess and intervene threats that may pose a risk to the safety of school staff or students. These teams would be established consistent with the policies developed by the Center. Requirements would include:

- The option for a unit-wide oversight threat assessment team.
- The requirement that each threat assessment team include persons with expertise in counseling, instruction, school administration, and law enforcement, and when practicable, school psychologists.
- The requirement to immediately report determinations that a student poses a risk of violence or physical harm to self or others to the superintendent or designee, who must notify the student's parent or legal guardian.
- The requirement that the superintendent or designee must refer students to the local management entity/managed care organization (LME/MCO) that serves the catchment area where the student lives, if recommended by the threat assessment team.
- The requirement to report qualitative data to the Center on threat assessment team activities.

Policies for threat assessment teams and threat assessment teams would be required by March 1, 2020.

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Section 3.(b) would give threat assessment teams the authority, upon a determination that a student poses an imminent risk of violence or physical harm to self or others or exhibits significantly disruptive behavior or a need for assistance to obtain criminal history record information and health records. This information could not be re-disclosed or used beyond the purpose for which it was obtained.

Sections 3.(c) and 3.(d) would require local boards of education to require peer-to-peer mentoring, counseling, and support programs in all schools with grades six or higher, and in other grades as appropriate. School counselors, as part of the direct services provided to students, would be required to coordinate and provide training for the peer-to-peer programs. Peer-to-peer support programs would be required for the 2020-2021 school year, but are encouraged for the 2019-2020 school year.

Section 3.(e) would require LME/MCOs that receive mental health referrals as a result of a threat assessment team's determination to contact the student's parent or legal guardian within ten days of receiving the referral. The LME/MCO would have to provide assistance with identifying appropriate existing mental health resources available to the student.

Section 4: Currently, there is no definition of "countywide state of emergency." There is no requirement that public school units report the operational status of schools during states of emergency.

Section 4.(a) would define the term "countywide state of emergency." It would require each public school unit in a county under a countywide state of emergency to report the operational status of its schools to the local board of county commissioners or designee for as long as the countywide state of emergency is in place. This section would apply beginning with the 2019-2020 school year.

Section 5: There are currently no statutory definitions or training requirements for school resource officers.

Sections 5.(a) through 5.(c) would define the term "school resource officer" and require that training standards for school resource officers be established. These standard would include, at a minimum, training on mental health, students with disabilities, and crisis intervention and de-escalation.

Section 5.(e) would require each public school unit to report annually to the Center for Safer Schools the number of school resource officers and the placement of each officer within the public school unit. The Center for Safer Schools would be required to report an executive summary of this information and the disaggregated data to the Joint Legislative Education Oversight Committee annually.

New requirements for school resource officers in this section would apply to all school resource officers employed beginning with the 2020-2021 school year.

Section 6: When considering erection of school buildings, local boards of education must follow State Board of Education facilities guidelines, and in the case of temporary classrooms, must use units that meet the approval of the School Planning Division of the Department of Public Instruction per G.S. 115C-521. There is no current law addressing the assessment of potential vulnerabilities arising from day-to-day policies and procedures in the operation of already existing school buildings.

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Section 6.(a) would require the Center for Safer Schools to collaborate with the Division of School Operations of the Department of Public Instruction to develop a facility vulnerability assessment tool in the form of a checklist. It would also require public school units to perform facility vulnerability assessments using the tool developed by the Center for Safer Schools for each school building annually.

Section 6.(b) would require that any facility vulnerability assessments be integrated into the School Risk and Response Management System as a part of the School Risk Management Plan.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.