



SENATE BILL 5: School Safety Omnibus.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	July 16, 2019
Introduced by:	Sens. Brown, Harrington, Krawiec	Prepared by:	Samantha Yarborough*
Analysis of:	Fifth Edition		Staff Attorney

OVERVIEW: SB 5 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 county boards of education to report to state and local emergency management officials and county commissioners during county states of emergency.*
- *Define the term "school resource officer" and require training for SROs.*
- *Require annual vulnerability assessments for each public school building.*
- *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 the Department of Public Instruction to transfer up to \$1.5 million dollars to be used for the digital panic alarm system implemented by the Department of Public Safety.*
- *Require trauma kits in every public school classroom and require training for school personnel who would be reasonably expected to use a trauma kit.*

PART I. REQUIREMENTS FOR SCHOOL SAFETY FOR ALL PUBLIC SCHOOLS

CURRENT LAW: Charter schools, regional schools, innovative schools, and lab schools are encouraged, but not required, to participate in all school safety requirements that are required for local school administrative units.

BILL ANALYSIS:

Section 1.(a) would reorganize statutes in Article 8C of Chapter 115C of the General Statutes to create a Part entitled, "Maintaining Safe and Orderly Schools".

Sections 1.(b) through 1.(p) would require charter schools, regional schools, innovative schools, and lab schools 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).

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Senate PCS 5

Page 2

Sections 1.(q) and 1.(r) would encourage, but not require, nonpublic schools to adopt SRMPs, hold school safety exercises and provide schematic diagrams to local law enforcement and the DPS.

Section 1 would apply beginning with the 2019-2020 school year.

PART II. CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR SAFER SCHOOLS

CURRENT LAW: The Center for Safer Schools (Center) is administratively located in the Department of Public Instruction and is headed by an Executive Director. The Center does not have specific powers and duties delineated in statute.

BILL ANALYSIS: **Section 2** 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.

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

PART III: STATE OF EMERGENCY OPERATIONAL STATUS REPORTING

BILL ANALYSIS: **Section 3** would define the term "countywide state of emergency" as a state of emergency covering a county declared by the President, General Assembly, Governor, or governing body of that county. 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 Department of Public Safety, Division of Emergency Management, the local emergency management agency for that county, and 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.

PART IV: SCHOOL RESOURCE OFFICER DEFINED/TRAINING

BILL ANALYSIS: **Section 4.(a)**, for all school resource officers assigned on or after January 1, 2020, would define the term "school resource officer" (SRO) as a law enforcement officer assigned to a public school at least 20 hours per week for a minimum of 12 weeks a year to assist with various school safety or security responsibilities consistent with the memorandum of understanding between the public school unit and law enforcement agency.

Sections 4.(b) and (c) would require that training standards for SROs be established, and that initial training be completed within one year of assignment as a school resource officer. These standard would include, at a minimum, training on mental health, students with disabilities, racial equity, and crisis intervention and de-escalation.

Section 4.(d) would require initial training standards for SROs be established by January 15, 2020, by the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission.

Section 4.(e) would require each public school unit to report annually to the Center for Safer Schools the number of SROs and the placement of each SRO 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.

PART V. SCHOOL BUILDING VULNERABILITY ASSESSMENT

CURRENT LAW: G.S. 115C-521 requires that, when considering erection of school buildings, local boards of education must follow State Board of Education facilities guidelines, and in the case of

Senate PCS 5

Page 3

temporary classrooms, must use units that meet the approval of the School Planning Division of the Department of Public Instruction.

BILL ANALYSIS: Section 5.(a) would require the Center for Safer Schools to collaborate with the Department of Public Instruction and the Department of Public Safety 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 5.(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.

PART VI: THREAT ASSESSMENT TEAMS

CURRENT LAW: 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.

BILL ANALYSIS: Section 6.(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 to immediately report an imminent risk threat to local law enforcement and the State Bureau of Investigation.
- 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.

Section 6.(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.

Section 6.(d) would require the Center for Safer Schools to develop policies for threat assessment teams for public school units in consultation with the Task Force for Safer Schools, Disability Rights North Carolina, the State Bureau of Investigation, and relevant State government agencies.

Sections 6.(c) and 6.(e) 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 6.(f) 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

Senate PCS 5

Page 4

receiving the referral. The LME/MCO would have to provide assistance with identifying appropriate existing mental health resources available to the student.

PART VII: FUNDING FOR DIGITAL PANIC ALARM APPLICATION

CURRENT LAW: Section 7.26(f) of Session Law 2018-5 appropriated \$5,000,000 in nonrecurring funds for the 2018-2019 fiscal year to be used to support the anonymous safety tip line application implemented by the Department of Public Instruction, Division of School Operations, and the Center for Safer Schools pursuant to G.S. 115C-51.

Section 7 would require up to \$1,500,000 of the funds appropriated to DPI for the anonymous safety tip line application that are unencumbered to be transferred to the Department of Public Safety to continue implementation of a digital panic alarm application based on the May 2018 report of the Division of Emergency Management of the Department of Public Safety, entitled "Panic Alarm Solution for North Carolina K-12 Public Schools."

PART VIII: TRAUMA KITS IN SCHOOLS

Section 8 would require that trauma kits be placed in each public school classroom. The contents of the trauma kits would be in the discretion of the principal or equivalent administrator of the school. All school personnel who would be reasonably expected to use a trauma kit would be required to complete training biannually on the appropriate use of the kit. DPI and the Center for Safer Schools, in consultation with DPS, would provide or contract for the training.

No later than January 1, 2020, DPI would be required to create an online usage tool to permit principals or equivalent administrators to provide information on the use and contents of all trauma kits located in the school. No later than August 1, 2021, and each year thereafter, DPI would report the most up-to-date information provided by the online usage tool to the Joint Legislative Education Oversight Committee and the Fiscal Research Division.

EFFECTIVE DATE: Except as otherwise provided, SB 5 would become effective when it becomes law.

**This bill summary was substantially contributed to by Kara McCraw, staff attorney with Legislative Analysis.*