

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-78
HOUSE BILL 605**

AN ACT TO ESTABLISH THREAT ASSESSMENT TEAMS IN PUBLIC SCHOOL UNITS, TO ESTABLISH PEER-TO-PEER COUNSELING IN PUBLIC SCHOOL UNITS, TO CLARIFY THAT THE DEPARTMENT OF PUBLIC INSTRUCTION SHALL PARTICIPATE IN THE ADOPTION OF POLICIES REGARDING PLACEMENT AND CONTENTS OF SCHOOL CRISIS KITS IN PUBLIC SCHOOL UNITS, TO EXPAND LAW ENFORCEMENT ACCESS FROM ONLY TRADITIONAL PUBLIC SCHOOLS TO ALL PUBLIC SCHOOL UNITS, AND TO EXPAND DATA COLLECTION REQUIREMENTS REGARDING SCHOOL SAFETY EXERCISES FROM ONLY TRADITIONAL PUBLIC SCHOOLS TO ALL PUBLIC SCHOOL UNITS.

The General Assembly of North Carolina enacts:

PART I. ORGANIZE ARTICLE INTO TWO PARTS

SECTION 1. 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."

PART II. ESTABLISH 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 behavior that 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 school psychologist, one staff member knowledgeable about and experienced in working with students with special needs, and one staff member knowledgeable about and experienced in working with students with disabilities shall be assigned to the threat assessment team. If a school psychologist is not available, the school may assign a licensed mental health professional instead. 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 guidance for threat assessment teams for public school units and all public school units shall have access to the guidance. The Center shall develop the guidance by (i) collecting information and best practices from schools with existing threat assessment teams and (ii) consulting 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. This guidance 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. The guidance shall include, at a minimum, the best practices for the following:

- (1) Assessment of and intervention with an individual whose behavior poses a risk to the safety of school staff, students, or self, including suggested definitions of threat levels with examples of behavior that would be considered a threat under the given definitions.
- (2) If the individual is a student or minor, involvement of the individual'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.
- (5) Referral to the appropriate local law enforcement agency if the individual is not a student.

(c) The governing body of a public school unit shall develop policies for assessment and intervention by threat assessment teams, including any scale or classification system that will be used to indicate various levels of threats and the standard response to each level of threat. These policies shall differentiate between assessment and intervention at the elementary, middle, and high school levels, as appropriate. In developing these policies, the unit shall consult the guidance issued by the Center for Safer Schools released pursuant to subsection (b) of this section and with any threat assessment team in the unit. 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. A copy of the policies shall be sent to the Center for Safer Schools.

(d) The superintendent or the superintendent's designee shall 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. The committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

(e) The superintendent of a public school unit shall establish a threat assessment team for each school within the unit. In the discretion of the superintendent, an established threat

assessment team may serve more than one school in the unit. Each team shall have the following duties and responsibilities:

- (1) Provide training 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) Identify members of the school community to whom threatening behavior shall be reported.
- (3) Implement policies adopted by the governing body of the public school unit pursuant to subsection (c) of this section.
- (4) Utilize anonymous reporting applications for students to share information about school safety concerns requiring investigation.
- (5) Upon finding a credible threat, a threat assessment team may take any of the following actions:
 - a. Recommend that the individual involved be referred for mental health services. If the individual is a student or minor, the parents shall be notified of the recommendation and encouraged to contact the student's primary care provider, insurance, or the local Medicaid management entity or managed care organization.
 - b. Provide notice to individuals who are the subject of threatening behavior and, if the individual is a student or a minor, provide notice to the student's parent or legal guardian. All notices shall be in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.
 - c. Provide notice to the appropriate local law enforcement agency.

(e1) 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).

(f) Any threat assessment team may submit a request to the Center for Safer Schools, in a manner to be determined by the Center, for a training session on the implementation or operation of a threat assessment team. Within 30 days of any training conducted pursuant to this section, the Center shall send a brief to all assessment teams giving an overview of the training, including any solutions reached or lessons learned.

(g) Each threat assessment team established pursuant to this section shall report quantitative data on its activities to the Center for Safer Schools as required by the Center. The Center is authorized to share these reports with any agency it consults with to develop guidance pursuant to this section. Such data shall include, at a minimum, the following:

- (1) Number of threat assessments conducted annually and demographic information on the individuals assessed.
- (2) Total number of threat assessments that resulted in a determination that the behavior being assessed posed a threat, and any information on the scale or classification of the threat, as described by the written policy required by subsection (c) of this section.
- (3) All actions and the results of those actions taken in response to finding a threat.
- (4) Number, subject, and solution or outcome of any technical assistance requests.

(h) 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.

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

(j) Any action taken pursuant to this section, or a rule or policy developed pursuant to this section, shall comply with the Constitution of the United States, the North Carolina Constitution, and Article 27 of this Chapter."

SECTION 2.(b) G.S. 115C-105.57(c)(2)c. reads as rewritten:

"c. Threat assessment-assessment and threat assessment teams, including development of guidance pursuant to G.S. 115C-105.65(b)."

SECTION 2.(c) 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(b)(3) 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."

SECTION 2.(d) The Center for Safer Schools shall develop guidance for threat assessment teams as required by G.S. 115C-105.65(b), as enacted by this act, no later than December 31, 2023. Public school units shall establish threat assessment teams as required by G.S. 115C-105.65, as enacted by this act, no later than March 1, 2024.

PART III. ESTABLISH PEER-TO-PEER SUPPORT PROGRAMS

SECTION 3.(a) G.S. 115C-47 is amended by adding a new subdivision to read:

"(68) 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 3.(b) G.S. 115C-316.1(a) is amended by adding a new subdivision to read:

"(5) Coordinating and providing 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 3.(c) This section is effective when it becomes law. Local boards of education are encouraged to establish peer-to-peer support groups, as identified in G.S. 115C-47(68) and G.S. 115C-316.1(a), as amended by this act, by the 2023-2024 school year and shall establish peer-to-peer support groups by the 2024-2025 school year.

PART IV. EXPAND REQUIREMENTS OF SAFETY EXERCISES, SCHOOL CRISIS KITS, AND LAW ENFORCEMENT ACCESS

SECTION 4.(a) 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 4.(b) 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, Management,~~ in collaboration with the Department of Public ~~Instruction, Division of School Operations, Instruction and the Center for Safer Schools~~ 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, Instruction, the Center for Safer Schools,~~ and the North Carolina 911 Board in the design, implementation, and maintenance of the SRRMS."

SECTION 4.(c) G.S. 115C-105.52 reads as rewritten:

"§ 115C-105.52. School crisis kits.

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

(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 4.(d) 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, Instruction and the Center for Safer Schools,~~ 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 4.(e) 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."

PART V. APPLICABILITY OF ARTICLE

SECTION 5.(a) G.S. 115C-150.12C(17) is amended by adding a new sub-subdivision to read:

"f. Threat assessment teams. – A school shall comply with the requirements for threat assessment teams pursuant to G.S. 115C-105.65."

SECTION 5.(b) G.S. 115C-218.75(b), (d), (e), and (e1) are repealed.

SECTION 5.(c) G.S. 115C-218.75 is amended by adding a new subsection to read:

"(b1) Each charter school shall comply with the requirements for public school units in Part 2 of Article 8C of this Chapter."

SECTION 5.(d) G.S. 115C-238.66(7a), (7b), (7c), (7d), and (7e) are repealed.

SECTION 5.(e) G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(7g) Each regional school shall comply with the requirements for public school units in Part 2 of Article 8C of this Chapter."

SECTION 5.(f) G.S. 116-239.8(b)(10), (11), (12), and (13) are repealed.

SECTION 5.(g) G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(24) 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 5.(h) 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 5.(i) 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 qualified nonpublic 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 VI. EFFECTIVE DATE

SECTION 6. Except as otherwise provided, this act is effective when it becomes law and applies beginning with the 2024-2025 school year.

In the General Assembly read three times and ratified this the 28th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:53 p.m. this 7th day of July, 2023