

Article 8C.

Local Plans For Alternative Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools.

§ 115C-105.45. Legislative findings.

The General Assembly finds that all schools should be safe, secure, and orderly. If students are to aim for academic excellence, it is imperative that there is a climate of respect in every school and that every school is free of disruption, drugs, violence, and weapons. All schools must have plans, policies, and procedures for dealing with disorderly and disruptive behavior.

All schools and school units must have effective measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior. (1997-443, s. 8.29(r)(1).)

§ 115C-105.46. State Board of Education responsibilities.

In order to implement this Article, the State Board of Education:

- (1) through (4) Repealed by Session Laws 2011-145, s. 7.13(y), effective July 1, 2011.
- (5) Shall adopt policies that define who is an at-risk student. (1997-443, s. 8.29(r)(1); 1999-397, s. 2; 2000-140, s. 22; 2011-145, s. 7.13(y); 2023-78, s. 1.)

§ 115C-105.47: Repealed by Session Laws 2011-145, s. 7.13(z), effective July 1, 2011.

§ 115C-105.47A. Proposals to establish alternative learning programs or alternative schools.

(a) Before establishing any alternative learning program or alternative school, the local board of education shall develop a proposal to implement the program or school that includes all of the following:

- (1) The educational and behavioral goals for students assigned to the program or school.
- (2) The policies and procedures for the operation of the program or school based on the State Board's standards adopted under G.S. 115C-12(24). The policies and procedures shall address the assignment of students to the program or school.
- (3) Identified strategies that will be used to improve student achievement and behavior.
- (4) Documentation that similar programs and schools in or out of the State, or both, have demonstrated success in improving the academic achievement and behavior of students assigned to them.
- (5) The estimated actual cost of operating the program or school. To the extent practicable, this shall include the cost of:
 - a. Staffing the program or school with teachers who have at least four years' teaching experience and who have received an overall rating of at least above standard on a formal evaluation and are certified in the areas and grade levels being taught;
 - b. Providing optimum learning environments, resources and materials, and high quality, ongoing professional development that will ensure students who are placed in the program or school are provided enhanced educational opportunities in order to achieve their full potential;

- c. Providing support personnel, including school counselors, psychiatrists, clinical psychologists, social workers, nurses, and other professionals to help students and their families work out complex issues and problems;
 - d. Maintaining safe and orderly learning environments; and
 - e. Providing transitional supports for students exiting the program or school and reentering the referring school.
- (6) Documented support of school personnel and the community for the implementation of the program or school.

(b) After the local board completes the proposal under subsection (a) of this section, the board shall submit the proposal to the State Board of Education for its review. The State Board shall review the proposal expeditiously and, if appropriate, may offer recommendations to modify the proposal. The local board shall consider any recommendations made by the State Board before implementing the alternative learning program or alternative school. (2005-446, s. 2; 2023-78, s. 1.)

§ 115C-105.48. Placement of students in alternative schools/alternative learning programs.

(a) Prior to referring a student to an alternative school or an alternative learning program, the referring school shall:

- (1) Document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly.
- (2) Provide the reasons for referring the student to an alternative school or an alternative learning program.
- (3) Provide to the alternative school or alternative learning program all relevant student records, including anecdotal information.

(b) When a student is placed in an alternative school or an alternative learning program, the appropriate staff of the alternative school or alternative learning program shall meet to review the records forwarded by the referring school and to determine what support services and intervention strategies are recommended for the student. The parents shall be encouraged to provide input regarding the students' needs. (1999-397, s. 2; 2023-78, s. 1.)

Part 2. Maintaining Safe and Orderly Schools.

§ 115C-105.48R. Legislative findings.

The General Assembly finds that all schools should be safe, secure, and orderly. If students are to aim for academic excellence, it is imperative that there is a climate of respect in every school and that every school is free of disruption, drugs, violence, and weapons. All schools must have plans, policies, and procedures for dealing with disorderly and disruptive behavior.

All schools and school units must have effective measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior. (1997-443, s. 8.29(r)(1); 2023-78, s. 1.)

§ 115C-105.49. School safety exercises.

(a) At least once annually, each 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) 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.

(b) For the purposes of this section, a tabletop exercise is an exercise involving key personnel conducting simulated scenarios related to emergency planning.

(c) For the purposes of this section, a drill is a school-wide practice exercise in which simulated scenarios related to emergency planning are conducted.

(d) The Department of Public Safety, Division of Emergency Management, and the Center for Safer Schools shall provide guidance and recommendations to public school units on the types of multiple hazards to plan and respond to, including intruders on school grounds. (2013-360, s. 8.38; 2015-241, s. 8.26(b); 2023-78, ss. 1, 4(a).)

§ 115C-105.49A. School Risk and Response Management System.

(a) The Department of Public Safety, Division of Emergency Management, and the Center for Safer Schools shall construct and maintain a statewide School Risk and Response Management System (SRRMS). The system shall fully integrate and leverage existing data and applications that support school risk planning, exercises, monitoring, and emergency response via 911 dispatch.

(b) In constructing the SRRMS, the Division of Emergency Management, in collaboration with the Department of Public 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 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 shall collaborate with the Department of Public Instruction, the Center for Safer Schools, and the North Carolina 911 Board in the design, implementation, and maintenance of the SRRMS.

(c) All data and information acquired and stored in the SRRMS as provided in subsections (a) and (b) of this section 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. (2015-241, s. 8.26(c); 2018-97, s. 2.4(b); 2023-78, ss. 1, 4(b).)

§ 115C-105.50: Reserved for future codification purposes.

§ 115C-105.51. Anonymous tip lines and monitoring and response applications.

(a) The governing body of each public secondary school shall develop and operate an anonymous tip line, in coordination with local law enforcement and social services agencies, to receive anonymous information on internal or external risks to the school population, school buildings, and school-related activities. The Department of Public Instruction, in consultation with the Department of Public Safety, may develop standards and guidelines for the development, operation, and staffing of tip lines. The governing body of each public secondary school may use the anonymous safety tip line application developed pursuant to subsection (b) of this section, or

another application that meets standards and guidelines developed by the Department of Public Instruction, to achieve the purposes of this subsection.

(b) The Department of Public Instruction and the Center for Safer Schools, in collaboration with the Department of Public Safety, Division of Emergency Management, shall implement and maintain an anonymous safety tip line application available statewide for purposes of receiving anonymous student information on internal or external risks to the school population, school buildings, and school-related activities. Public secondary schools shall inform students about the application and provide opportunities for students to learn about its purpose and function. The governing body of each public secondary school shall work with the Department of Public Instruction, Division of School Operations, and the Center for Safer Schools to ensure that employees of the public secondary schools receive adequate training in its operation.

(c) The Department of Public Safety, Division of Emergency Management, and the North Carolina 911 Board, in collaboration with the Department of Public Instruction, Division of School Operations, and the Center for Safer Schools, shall implement and maintain a statewide panic alarm system for the purposes of launching real-time 911 messaging to public safety answering points of internal and external risks to the school population, school buildings, and school-related activities. The Department of Public Safety, in consultation with the Department of Public Instruction and the North Carolina 911 Board, may develop standards and guidelines for the operations and use of the panic alarm tool.

(d) The Department of Public Instruction and the Department of Public Safety shall ensure that the anonymous safety tip line application is integrated with and supports the statewide School Risk and Response Management System (SRRMS) as provided in G.S. 115C-105.49A. Where technically feasible and cost efficient, the Department of Public Instruction and the Department of Public Safety are encouraged to implement a single solution supporting both the anonymous safety tip line application and panic alarm system.

(e) All data and information acquired and stored by the anonymous safety tip line application 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.

(f) Notwithstanding subsection (e) of this section, the Department of Public Instruction, Division of School Operations, may collect the annual aggregate number and type of tips sent to the anonymous tip line. The collection of this aggregate data shall not have any identifying information on the reporter of the tip, including, but not limited to, the school where the incident was reported and the date the tip was reported.

(g) For the purposes of this section, a "public secondary school" is any of the following types of public school serving grades six or higher:

- (1) A school under the control of a local school administrative unit.
- (2) A school for the deaf or blind operated under Article 9C of this Chapter.
- (3) A school under the control of The University of North Carolina.
- (4) A charter school.
- (5) A regional school. (2013-360, s. 8.40; 2015-241, s. 8.26(d); 2017-102, s. 41.5; 2018-5, s. 7.26(a); 2021-180, s. 7.14(j); 2023-78, s. 1; 2023-10, ss. 1, 2(b); 2024-1, s. 2.8E(a).)

§ 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, shall develop and adopt policies on the placement of school

crisis kits in schools and on the contents of those kits. The kits 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 public school unit's School Risk Management Plan, may place one or more crisis kits at appropriate locations in the school. (2013-360, s. 8.42; 2015-241, s. 8.26(e); 2018-97, s. 2.4(c); 2022-71, s. 2.2; 2023-78, ss. 1, 4(c).)

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

(a) Each 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. 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. 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 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. Public school units and participating nonpublic schools may use these standards and guidelines to assist in the preparation of their schematic diagrams.

(c) Schematic diagrams 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. (2014-100, s. 8.20(b); 2015-241, s. 8.26(f); 2023-78, ss. 1, 4(d).)

§ 115C-105.54. Schematic diagrams and emergency response information provided to Division of Emergency Management.

(a) Each 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). 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.

(b) The schematic diagrams and emergency response information 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. (2014-100, s. 8.20(b); 2015-241, s. 8.26(g); 2023-78, ss. 1, 4(e).)

§ 115C-105.55. Establish Task Force for Safer Schools.

(a) Task Force Established. – There is hereby created the Task Force for Safer Schools within the North Carolina Department of Public Instruction.

(b) Membership. – The Task Force shall consist of 25 members. The composition of the Task Force shall include all of the following:

- (1) The Secretary of the Department of Public Safety or the Secretary's designee.
- (2) The Secretary of the Department of Health and Human Services or the Secretary's designee.
- (3) A member of the State Board of Education appointed by the Governor.
- (4) Two local school board members appointed by the Chair of the State Board of Education.
- (5) A representative from the North Carolina Department of Public Safety, Division of Emergency Management, appointed by the Secretary of the Department of Public Safety.
- (6) A representative from the North Carolina Justice Academy appointed by the Attorney General.
- (7) A member of the Governor's Crime Commission appointed by the Governor.
- (8) Two local law enforcement officers appointed by the Governor.
- (9) Two public school administrators appointed by the Chair of the State Board of Education.
- (10) A public school teacher appointed by the Chair of the State Board of Education.
- (11) A public school psychologist appointed by the Governor.
- (12) A public school resource officer appointed by the Governor.
- (13) Two high school students currently enrolled at public high schools appointed by the Governor.
- (14) A parent of a currently enrolled public school student appointed by the Governor.
- (15) A juvenile justice professional appointed by the Governor.
- (16) A North Carolina licensed social worker appointed by the Governor.
- (17) A North Carolina licensed school counselor appointed by the Governor.
- (18) An expert in gang intervention and prevention in schools appointed by the Governor.
- (19) Three at-large members appointed by the Governor.

(c) Appointment of Chair and Vice-Chair. – The Governor shall appoint a Chair and Vice-Chair from among the membership of the Task Force. The Chair and Vice-Chair shall serve at the pleasure of the Governor.

(d) Terms; Vacancies. – Effective December 1, 2016, all members shall be appointed for a term of four years. Members may be reappointed to successive terms. Any appointment to fill a vacancy on the Task Force created by the resignation, dismissal, death, disability, or disqualification of a member shall be for the balance of the unexpired term.

(e) Removal. – The Governor shall have the authority to remove any member of the Task Force for misfeasance, malfeasance, or nonfeasance, pursuant to the provisions of G.S. 143B-13.

(f) Per Diem, Etc. – Members of the Task Force may receive necessary per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. (2016-126, 4th Ex. Sess., s. 41.1(b); 2023-78, s. 1.)

§ 115C-105.56. Task Force for Safer Schools; powers and duties.

The Task Force shall have all of the following duties:

- (1) To serve as an advisory board to the Center for Safer Schools.

- (2) To provide guidance and recommendations to the Governor, Superintendent of Public Instruction, and the General Assembly to improve statewide policy to enhance statewide and local capacities to create safer schools.
- (3) To encourage interagency collaboration among State and local government agencies to achieve effective policies and streamline efforts to create safer schools.
- (4) To Assist the Center for Safer Schools in collecting and disseminating information on recommended best practices and community needs related to creating safer schools in North Carolina.
- (5) Other duties as assigned by the State Board of Education. (2016-126, 4th Ex. Sess., s. 41.1(b); 2023-78, s. 1.)

§ 115C-105.57. Center for Safer Schools.

(a) Center for Safer Schools Established. – There is established the Center for Safer Schools. The Center for Safer Schools shall be administratively located in the Department of Public Instruction. The Center for Safer Schools shall consist of an Executive Director appointed by the Superintendent of Public Instruction and such other professional, administrative, technical, and clerical personnel as may be necessary to assist the Center for Safer Schools in carrying out its powers and duties.

(b) Executive Director. – The Executive Director shall report to and serve at the pleasure of the Superintendent of Public Instruction at a salary established by the Superintendent within the funds appropriated for this purpose.

(c) Powers and Duties. – The Center for Safer Schools shall have the following duties, and all other powers and duties provided in this Article:

- (1) Serve as a resource and referral center for the State by conducting research, sponsoring workshops, and providing information regarding current school safety concerns.
- (2) Provide training, resources, and professional development for students, public school personnel, first responders, social services agencies, members of the community, and other interested parties, as needed, on at least the following topics related to school safety:
 - a. Responsibilities and best practices of school resource officers.
 - b. Youth mental health, including applicable policies and plans adopted by the State Board of Education and public school units in accordance with G.S. 115C-376.5.
 - c. Threat assessment and threat assessment teams, including development of guidance pursuant to G.S. 115C-105.65(b).
 - d. Active-shooter drills and scenarios.
 - e. Incident de-escalation.
 - f. Reunification of schools and school districts after an incident.
 - g. Information related to at least the following areas:
 1. Bullying.
 2. Suicide.
 3. Opioid and substance abuse.
 4. Critical incidents.
 5. Trauma and victimization among students.

6. The impacts of the incidents identified in sub-sub-subdivisions 1. through 5. of this sub-subdivision on school climate and school safety.

- (2a) Develop and produce age-appropriate videos to be shown to students in grades six through 12 that include at least the information listed in G.S. 115C-12(47). The videos shall be distributed to all public school units and may be provided to nonpublic schools at the request of the nonpublic school.
- (3) Maintain and disseminate information to public schools on effective school safety initiatives in North Carolina and across the nation.
- (4) Collect, analyze, and disseminate various North Carolina school safety data.
- (5) Provide technical and instructional assistance to facilitate the development of partnerships between the public and private sectors to promote school safety in North Carolina.
- (6) Recommend a system of accountability to the General Assembly to document school safety exercises, including practice school lockdowns, required by G.S. 115C-105.49.
- (7) Assist law enforcement officers assigned to schools and their agencies in active shooter response drills and other pertinent school safety-related training.
- (8) Collaborate with the North Carolina Justice Academy, the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Sheriffs' Education and Training Standards Commission to establish and maintain updated training curriculum for school resource officers.
- (9) Coordinate grants for school resource officers in elementary and middle schools and ensure that training requirements for school resource officers funded by those grants are met.
- (10) Provide technical assistance to public school units in the development and implementation of initiatives promoting school safety.

(d) Agency Cooperation. – All State agencies and departments shall cooperate with the Center for Safer Schools in carrying out its powers and duties, as necessary, in accordance with this Article. The Center for Safer Schools shall coordinate, collaborate, and seek information as necessary to carry out its duties and responsibilities from State and local government agencies, who shall provide information upon request to the Center. These agencies include the following:

- (1) Department of Public Safety.
- (2) Department of Health and Human Services.
- (3) Department of Public Instruction.
- (4) North Carolina Justice Academy.
- (5) Governor's Crime Commission.
- (6) State Bureau of Investigation Fusion Center, Information Sharing, and Analysis Center.
- (7) Governing bodies of public school units.
- (8) Local law enforcement agencies.

(e) Annual Census of School Resource Officers. – The Center for Safer Schools shall conduct an annual census of school resource officers located in each public school unit. As part of the census, each public school unit shall report to the Center by January 15 of each year with the following information regarding school resource officers in the unit:

- (1) The total number of school resource officers.

- (2) Data regarding school resources officers' education levels, years as sworn law enforcement officers, and years as school resource officers.
- (3) Training required of school resource officers and training actually completed by school resource officers, including training specific to the position of school resource officer and other advanced or additional training.
- (4) The funding source for all school resource officers.
- (5) The location of school resource officers, differentiated by grade levels.
- (6) The percentage of school resource officers assigned to more than one school.
- (7) The law enforcement affiliation of school resource officers.

The Center shall compile the information submitted pursuant to this subsection and submit a report detailing this information at the statewide and local levels to the Joint Legislative Education Oversight Committee and the State Board of Education by March 1 of each year.

(f) Task Force Guidance. – The Center for Safer Schools shall receive guidance and advice from the Task Force for Safer Schools. (2018-97, s. 2.4(d); 2019-222, s. 2.1; 2021-180, s. 7.30(a); 2023-78, ss. 1, 2(b); 2023-128, s. 3(a).)

§ 115C-105.58. School resource officer.

(a) For the purposes of this section, a school includes any of the following:

- (1) A public school within a public school unit.
- (2) A nonpublic school authorized under Part 1 or Part 2 of Article 39 of this Chapter.

(b) A school resource officer is any law enforcement officer assigned to one or more schools at least 20 hours per week for more than 12 weeks per calendar year, to assist with all of the following, consistent with any written agreement between the governing body of the school and the law enforcement agency governing the school resource officer:

- (1) School safety.
- (2) School security.
- (3) Emergency preparedness.
- (4) Emergency response.
- (5) Any additional responsibilities related to school safety or security assigned by the officer's employer while the officer is acting as a school resource officer.

(c) All school resource officers shall comply with training requirements, including in-service training, as established by subsection (d) of this section.

(d) The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission, in consultation with the Center for Safer Schools and the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Use Services, shall establish initial and in-service educational and training standards for school resource officers. (2024-1, s. 2.8A(c).)

§ 115C-105.60. School resource officer grants.

(a) Definition. – For purposes of this section, the term "qualifying public school unit" refers to a local school administrative unit, regional school, laboratory school, or charter school.

(b) Program; Purpose. – The Superintendent of Public Instruction shall establish the School Resource Officer Grants Program (Program). To the extent funds are made available for the Program, its purpose shall be to improve safety in qualifying public school units by providing grants for school resource officers.

(c) Grant Applications. – A qualifying public school unit may submit an application to the Superintendent of Public Instruction for one or more grants pursuant to this section. The application shall include an assessment, to be performed in conjunction with a local law enforcement agency, of the need for improving school safety within the qualifying public school unit that would receive the funding. The application shall identify current and ongoing needs and estimated costs associated with those needs.

(d) Criteria and Guidelines. – By November 1, 2019, and August 1 of each year thereafter in which funds are made available for the Program, the Superintendent of Public Instruction shall develop criteria and guidelines for the administration and use of the grants pursuant to this section, including any documentation required to be submitted by applicants. In assessing grant applications, the Superintendent of Public Instruction shall consider at least all of the following factors:

- (1) The level of resources available to the qualifying public school unit that would receive the funding.
- (2) Whether the qualifying public school unit has received other grants for school safety.
- (3) The overall impact on student safety in the qualifying public school unit if the identified needs are funded.

(e) Award of Funds. – From funds made available for grants for school resource officers, the Superintendent of Public Instruction shall award grants to qualifying public school units for school resource officers in elementary and middle schools, as follows:

- (1) Public school units located, in whole or in part, in a county with at least one local school administrative unit that received low-wealth supplemental funding in the previous fiscal year shall have grants matched on the basis of four dollars (\$4.00) in State funds for every one dollar (\$1.00) in non-State funds. All other public school units shall be matched on the basis of two dollars (\$2.00) in State funds for every one dollar (\$1.00) in non-State funds.
- (2) Qualifying public school units may use these funds to employ school resource officers in elementary and middle schools, to train them, or both.
- (3) Training shall be provided, in partnership with the qualifying public school unit, by a community college, a local law enforcement agency, or the North Carolina Justice Academy. Any training shall include instruction on research into the social and cognitive development of elementary school and middle school children.

(f) Supplement Not Supplant. – Grants provided to qualifying public school units pursuant to the Program shall be used to supplement and not to supplant State or non-State funds already provided for these services.

(g) Report. – No later than April 1, 2020, and each year thereafter in which funds are made available for the Program, the Superintendent of Public Instruction shall report on the Program to the Joint Legislative Education Oversight Committee, the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division. The report shall include the identity of each entity that received a grant through the Program, the amount of funding provided to each entity that received a grant, the use of funds by each entity that received a grant, and recommendations for the implementation of additional

effective school safety measures. (2019-222, s. 3.1(a); 2021-180, s. 7.14(k); 2022-74, s. 7.2(a); 2023-78, s. 1.)

§ 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.

(f) Any information shared among members of the threat assessment team pursuant to this subsection [section] 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).

(g) 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.

(h) 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.

(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.

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

(k) 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. (2023-78, s. 2(a).)