

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

3

HOUSE BILL 934
Committee Substitute Favorable 5/30/18
Third Edition Engrossed 6/6/18

Short Title: Threat Assessment Teams.

(Public)

Sponsors:

Referred to:

May 17, 2018

1 A BILL TO BE ENTITLED
2 AN ACT TO CODIFY THE NORTH CAROLINA CENTER FOR SAFER SCHOOLS; TO
3 REQUIRE THE ESTABLISHMENT OF THREAT ASSESSMENT TEAMS IN PUBLIC
4 SCHOOLS; AND TO ESTABLISH PEER-TO-PEER STUDENT SUPPORT PROGRAMS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 115C-105.46, 115C-105.47A, and 115C-105.48, are codified
7 into Part 1 of Article 8C of Chapter 115C of the General Statutes, Local Plans for Alternative
8 Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools. Part 1 shall
9 be entitled "Local Plans for Alternative Schools/Alternative Learning Programs." The remaining
10 sections of Article 8C of Chapter 115C of the General Statutes shall be codified into Part 2, which
11 shall be entitled "Maintaining Safe and Orderly Schools."

12 **SECTION 1.(b)** Part 2 of Article 8C of Chapter 115C of the General Statutes, as
13 enacted by this section, is amended by adding a new section to read:

14 **"§ 115C-105.48A. School safety definitions.**

15 The following definitions shall apply in this Part unless the context requires otherwise:

16 (1) Local school administrative unit. – Any of the following:

17 a. The local board of education of a local school administrative unit, as
18 defined by G.S. 115C-5(6).

19 b. The board of directors of a charter school.

20 c. The board of directors of a regional school.

21 d. The governing entity of a school providing elementary or secondary
22 instruction operated by one of the following:

23 1. The State Board of Education, including schools operated
24 under Article 7A and Article 9C of this Chapter.

25 2. The University of North Carolina, including schools operated
26 under Articles 4, 29, and 29A of Chapter 116 of the General
27 Statutes.

28 (2) Public secondary school. – Any of the following types of public school serving
29 grades six or higher:

30 a. A school under the control of a local board of education.

31 b. A school under the control of the State Board of Education, including
32 schools operated under Article 7A and Article 9C of this Chapter.

33 c. A school under the control of The University of North Carolina.

34 d. A charter school.

35 e. A regional school."



* H 9 3 4 - V - 3 *

1 **SECTION 1.(c)** If Senate Bill 99, 2017 Regular Session, becomes law,
2 G.S. 115C-105.51(g) is repealed.

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

5 **"§ 115C-105.57. North Carolina Center for Safer Schools.**

6 (a) There is established the North Carolina Center for Safer Schools located within the
7 Department of Public Instruction, referred to as the Center in this Article.

8 (b) The Center shall be responsible for the following:

9 (1) Serve as a resource and referral center for the State by conducting research,
10 sponsoring workshops, and providing information regarding current school
11 safety concerns.

12 (2) Provide training and professional development for public school personnel in
13 the development and implementation of initiatives promoting school safety.

14 (3) Maintain and disseminate information to public schools on effective school
15 safety initiatives in North Carolina and across the nation.

16 (4) Collect, analyze, and disseminate various North Carolina school safety data.

17 (5) Provide technical and instructional assistance to facilitate the development of
18 partnerships between the public and private sectors to promote school safety
19 in North Carolina.

20 (6) Recommend a system of accountability to the General Assembly to document
21 school safety exercises, including practice school lockdowns, required by
22 G.S. 115C-105.49.

23 (7) Develop model policies for threat assessment teams for local school
24 administrative units, including procedures for the assessment of and
25 intervention with students whose behavior poses a threat to the safety of
26 school staff or students. The Center shall consult with and involve the Task
27 Force for Safer Schools and relevant State government agencies in
28 development of the model policies.

29 (8) Assist law enforcement officers assigned to schools and their agencies in
30 active shooter response drills and other pertinent school safety related training.

31 (9) Collaborate with the North Carolina Justice Academy, North Carolina
32 Criminal Justice Education and Training Standards Commission, and the
33 North Carolina Sheriffs' Education and Training Standards Commission to
34 establish and maintain updated training curriculum for school resource
35 officers.

36 (10) Coordinate grants for school resource officers in elementary and middle
37 schools established in Section 8.36 of S.L. 2013-360 and ensure that training
38 requirements for school resource officers funded by those grants are met.

39 (11) Provide technical assistance to local school administrative units in the
40 development and implementation of initiatives promoting school safety.

41 (c) The Center shall receive guidance and advice from the Task Force for Safer Schools.

42 (d) The Center shall coordinate, collaborate, and seek information as necessary to carry
43 out its duties and responsibilities from State and local government agencies, who shall provide
44 information upon request to the Center. These agencies include the following:

45 (1) Department of Public Safety.

46 (2) Department of Health and Human Services.

47 (3) Department of Public Instruction.

48 (4) North Carolina Justice Academy.

49 (5) Governor's Crime Commission.

50 (6) NC SBI Fusion Center, Information Sharing, & Analysis Center.

51 (7) Local boards of education.

1 (8) Local law enforcement agencies."

2 **SECTION 3.(a)** Article 8C of Chapter 115C of the General Statutes is amended by
3 adding a new section to read:

4 **"§ 115C-105.60. Threat assessment teams.**

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

6 (1) Local board of education. – The governing body of a local school
7 administrative unit, as defined in G.S. 115C-105.48A(1).

8 (2) Superintendent. – The superintendent or, if there is no superintendent, the staff
9 member with the highest decision making authority.

10 (3) Threat. – A concerning communication or behavior that indicates that an
11 individual poses a danger to the safety of school staff or students through acts
12 of violence or other behavior that would cause harm to self or others. The
13 threat may be expressed or communicated behaviorally, orally, visually, in
14 writing, electronically, or through any other means, and is considered a threat
15 regardless of whether it is observed by or communicated directly to the target
16 of the threat or observed by or communicated to a third party, and regardless
17 of whether the target of the threat is aware of the threat.

18 (4) Threat assessment. – A fact-based process emphasizing an appraisal of
19 observed, or reasonably observable, behaviors to identify potentially
20 dangerous or violent situations, to assess them, and to manage or address
21 them.

22 (5) Threat assessment team. – A team that includes persons with expertise in
23 counseling, instruction, school administration, and law enforcement that
24 conducts threat assessments in a local school administrative unit. When
25 practicable, at least one member of a threat assessment team shall be a
26 psychologist or psychiatrist. Members of a threat assessment team who are not
27 employees of the local school administrative unit may review student records
28 as provided in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a written agreement
29 with the local school administrative unit of the requirements and
30 responsibilities for use of student records under the federal Family
31 Educational and Privacy Rights Act.

32 (b) The local board of education shall adopt policies for the establishment of threat
33 assessment teams, including the conduct of threat assessments and intervention with individuals
34 whose behavior may pose a threat to the safety of school staff or students, consistent with the
35 model policies developed by the Center for Safer Schools in accordance with G.S. 115C-105.75.
36 Such policies shall include procedures for referrals to health care providers for evaluation or
37 treatment, when appropriate.

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

42 (d) Each school in the local school administrative unit shall have a threat assessment team
43 established by the superintendent. In the discretion of the superintendent, an established threat
44 assessment team may serve more than one school in the unit. Each team shall do the following:

45 (1) Provide guidance to students, faculty, and staff regarding recognition of
46 threatening or aberrant behavior that may represent a threat to the community,
47 school, or self.

48 (2) Conduct threat assessments to determine appropriate actions and intervention
49 based on the level of threat determined by the assessment. A threat assessment
50 team shall determine the level of threat posed by an individual or situation as
51 follows:

- 1 a. Low risk. – A threat in which the individual or situation does not
2 appear to pose a threat of violence or serious harm to self or others and
3 any exhibited issues or concerns can be resolved easily.
- 4 b. Moderate risk. – A threat in which the person or situation does not
5 appear to pose a threat of violence or serious harm to self or others, at
6 this time, but exhibits behaviors that indicate a continuing intent and
7 potential for future violence or serious harm to self or others or
8 exhibits other concerning behavior that requires intervention.
- 9 c. High risk. – A threat in which the person or situation appears to pose
10 a threat of violence or serious harm to self or others, exhibiting
11 behaviors that indicate both a continuing intent to harm and efforts to
12 acquire the capacity to carry out the plan, and may also exhibit other
13 concerning behavior that require intervention.
- 14 d. Imminent risk. – A threat in which the person or situation appears to
15 pose a clear and immediate threat of serious violence toward others
16 that requires containment and action to protect identified or
17 identifiable target or targets and may also exhibit other concerning
18 behavior that require intervention.
- 19 (3) Identify members of the school community to whom threatening behavior
20 should be reported.
- 21 (4) Implement policies adopted by the local board of education pursuant to
22 subsection (b) of this section.
- 23 (5) Utilize anonymous reporting applications for students to receive information
24 about school safety concerns requiring investigation.
- 25 (e) Upon a preliminary determination that an individual poses a high risk or imminent
26 risk threat of violence or physical harm to self or others, a threat assessment team shall
27 immediately report its determination to the superintendent or the superintendent's designee, who
28 shall respond as follows:
- 29 (1) The superintendent or designee shall immediately attempt to notify the
30 student's parent or legal guardian. The superintendent may delegate the
31 responsibility for notification to the principal of the school and may require
32 notice be made to the principal directly.
- 33 (2) In the case of an imminent risk threat determined to be an emergency under
34 the standards established by the Family Educational and Privacy Rights Act
35 in 20 U.S.C. § 1232g(b)(1)(I), the superintendent or designee shall provide
36 notice to individuals who are the subject of the threat and, if a student is the
37 subject of a threat, the superintendent or designee shall provide notice to the
38 student's parent or legal guardian. All notices shall be in accordance with the
39 Family Educational and Privacy Rights Act, 20 U.S.C. § 1232g. The
40 superintendent may delegate the responsibility for notification to the principal
41 of the school and may require notice be made to the principal directly.
- 42 (3) In the case of an imminent risk threat, the superintendent or designee shall
43 immediately notify the appropriate local law enforcement agency. In the case
44 of a high risk threat, the superintendent or designee shall notify the appropriate
45 local law enforcement agency when recommended by the threat assessment
46 team.
- 47 (4) The superintendent or designee shall refer the matter to the appropriate mental
48 health resources when recommended by the threat assessment team.
- 49 (5) The superintendent or designee shall comply with the requirements of Article
50 27 of this Chapter for any student discipline actions.

1 Nothing in this subsection shall preclude public school personnel from acting immediately to
2 address an imminent risk threat.

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

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

8 (2) Number of threat assessments that resulted in a determination that the
9 individual being assessed was a high risk or imminent risk threat and
10 demographic information on those individuals.

11 (3) Types of actions taken in response to a determination that the individual being
12 assessed was a high risk or imminent risk threat.

13 (4) Results of actions taken in response to determination that the individual being
14 assessed was a high risk or imminent risk threat.

15 (g) Upon a preliminary determination by the threat assessment team that an individual
16 poses an imminent risk threat, a threat assessment team may obtain the following:

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

25 (2) Criminal records. – A threat assessment team may obtain criminal history as
26 provided in G.S. 143B-931A. For a threat assessment of a student with
27 juvenile records, the threat assessment team shall have access to written
28 notifications received pursuant to G.S. 7B-3101 and information gained from
29 examination of juvenile records in accordance with G.S. 7B-3100, held
30 pursuant to G.S. 115C-404. Records held pursuant to G.S. 115C-404 shall be
31 returned to the principal following review by the threat assessment team.

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

36 **SECTION 3.(b)** Article 13 of Chapter 143B of the General Statutes is amended by
37 adding a new section to read:

38 **"§ 143B-931A. Criminal records checks for threat assessment teams.**

39 The Department of Public Safety may provide a criminal record check to the members of a
40 threat assessment team established by a local board of education, as defined in
41 G.S. 115C-105.60(a)(1), pursuant to G.S. 115C-105.76 for the purpose of administering criminal
42 justice in assessing or intervening when a preliminary determination has been made that an
43 individual poses an imminent risk threat to school safety. No member of a threat assessment team
44 shall redisclose any criminal history record information obtained pursuant to this section or
45 otherwise use any record of an individual beyond the purpose that such disclosure was made to
46 the threat assessment team."

47 **SECTION 4.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

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

1 **SECTION 4.(b)** G.S. 115C-316.1 is amended by adding a new subsection to read:
2 "(c) School counselors, as part of the direct services provided in subsection (a) of this
3 section, shall coordinate and provide training for students in peer-to-peer student support
4 programs that address areas such as conflict resolution, general health and wellness, and
5 mentoring. The Center for Safer Schools will support school counselors in the administration and
6 delivery of peer-to-peer student support programs."

7 **SECTION 5.** If House Bill 938, 2017 Regular Session, becomes law, Sections 1 and
8 Section 4 of this act are repealed.

9 **SECTION 6.** This act is effective when it becomes law. Guidelines for threat
10 assessment teams required by Section 2 of this act shall be developed by the Center for Safer
11 Schools no later than December 31, 2018. All local school administrative units, as defined in
12 G.S. 115C-105.48A(1), as enacted by Section 1(b) of this act, shall establish threat assessment
13 teams as required by Section 3 of this act no later than March 1, 2019. The remainder of this act
14 applies beginning with the 2018-2019 school year.