

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-222
HOUSE BILL 75**

AN ACT TO APPROPRIATE FUNDS FOR SCHOOL SAFETY, REQUIRE AN ANNUAL REPORT ON SCHOOL RESOURCE OFFICERS, ESTABLISH CERTAIN SCHOOL SAFETY GRANTS PROGRAMS, REQUIRE THE DEVELOPMENT OF A RECOMMENDED SCHOOL MENTAL HEALTH CRISIS RESPONSE PROGRAM, REQUIRE ANNUAL REPORTS ON SCHOOL MENTAL HEALTH SUPPORT PERSONNEL, EXPRESS THE INTENTION OF THE GENERAL ASSEMBLY THAT ADDITIONAL FUNDS PROVIDED FOR INSTRUCTIONAL SUPPORT PERSONNEL BE USED TO FUND ADDITIONAL SCHOOL MENTAL HEALTH SUPPORT PERSONNEL, REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY AND REPORT ON SCHOOL PSYCHOLOGIST AND SCHOOL COUNSELOR POSITIONS, AND PROVIDE FOR EIGHT ADDITIONAL AGENTS OF THE STATE BUREAU OF INVESTIGATION TO SUPPORT THE BEHAVIORAL THREAT ASSESSMENT PROGRAM, CONSISTENT WITH THE PROVISIONS OF THE CONFERENCE COMMITTEE SUBSTITUTE AND COMMITTEE REPORT FOR HOUSE BILL 966 OF THE 2019 REGULAR SESSION.

The General Assembly of North Carolina enacts:

PART I. APPROPRIATIONS

SECTION 1.1.(a) There is appropriated from the General Fund for the 2019-2021 fiscal biennium the sum of thirty-eight million eight hundred thirty-three thousand three hundred thirty-three dollars (\$38,833,333) for the 2019-2020 fiscal year and the sum of twenty-nine million eight hundred thousand dollars (\$29,800,000) for the 2020-2021 fiscal year for the costs associated with implementing the school safety provisions of this act. These sums are allocated as follows:

Entity	2019-2020 Recurring	2019-2020 Nonrecurring	2020-2021 Recurring	2020-2021 Nonrecurring
Department of Public Instruction	\$23,000,000	\$15,100,000	\$29,000,000	\$0
Dept. of Public Safety	\$533,333	\$200,000	\$800,000	\$0.

SECTION 1.1.(b) Departmental receipts, as defined in G.S. 143C-1-1, are appropriated for each year of the 2019-2021 fiscal biennium up to the amounts needed to implement the school safety provisions provided in this act for each year of the 2019-2021 fiscal biennium.

PART II. SCHOOL RESOURCE OFFICERS REPORT

SECTION 2.1. G.S. 115C-105.57 reads as rewritten:

"§ 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 all powers and duties provided in this Article.

(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.

(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. The Center shall submit a report based on this census to the Joint Legislative Education Oversight Committee and the State Board of Education by March 1 of each year. At a minimum, the report shall include all of the following information:

- (1) The total number of school resource officers in the State and in each public school unit.
- (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 and type of public school unit.
- (6) The percentage of school resource officers assigned to more than one school.
- (7) The law enforcement affiliation of school resource officers."

PART III. SCHOOL SAFETY GRANTS PROGRAMS

SECTION 3.1.(a) Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 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, innovative 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) Grants 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."

SECTION 3.1.(b) For the 2019-2020 fiscal year, the Department of Public Instruction shall administer the following school safety grants:

- (1) **Definitions.** – For purposes of this subsection, the following definitions shall apply:
 - a. **Community partner.** – A public or private entity, including, but not limited to, a nonprofit corporation or a local management entity/managed care organization (LME/MCO), that partners with a qualifying public school unit to provide services or pay for the provision of services for the unit.
 - b. **Qualifying public school unit.** – A local school administrative unit, regional school, innovative school, laboratory school, or charter school.
- (2) **Program; purpose.** – The Superintendent of Public Instruction shall establish the 2019 School Safety Grants Program (Program). The purpose of the Program shall be to improve safety in qualifying public school units by providing grants for (i) services for students in crisis, (ii) school safety training, and (iii) safety equipment in schools.
- (3) **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 or services. The application shall identify current and ongoing needs and estimated costs associated with those needs.
- (4) Criteria and guidelines. – By November 1, 2019, the Superintendent of Public Instruction shall develop criteria and guidelines for the administration and use of the grants pursuant to this subsection, 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:
- a. The level of resources available to the qualifying public school unit that would receive the funding.
 - b. Whether the qualifying public school unit has received other grants for school safety.
 - c. The overall impact on student safety in the qualifying public school unit if the identified needs are funded.
- (5) Grants for students in crisis. – Of the funds appropriated to the Department of Public Instruction by this act for students in crisis, the Superintendent of Public Instruction, in consultation with the Department of Health and Human Services, shall award grants to qualifying public school units to contract with community partners to provide or pay for the provision of any of the following crisis services:
- a. Crisis respite services for parents or guardians of an individual student to prevent more intensive or costly levels of care.
 - b. Training and expanded services for therapeutic foster care families and licensed child placement agencies that provide services to students who (i) need support to manage their health, welfare, and safety and (ii) have any of the following:
 1. Cognitive or behavioral problems.
 2. Developmental delays.
 3. Aggressive behavior.
 - c. Evidence-based therapy services aligned with targeted training for students and their parents or guardians, including any of the following:
 1. Parent-child interaction therapy.
 2. Trauma-focused cognitive behavioral therapy.
 3. Dialectical behavior therapy.
 4. Child-parent psychotherapy.
 - d. Any other crisis service, including peer-to-peer mentoring, that is likely to increase school safety. Of the funds allocated to the Superintendent for grants pursuant to this subdivision, the Superintendent shall not use more than ten percent (10%) for the services identified in this sub-subdivision.
- (6) Grants for training to increase school safety. – Of the funds appropriated to the Department of Public Instruction by this act for training to increase school safety, the Superintendent of Public Instruction, in consultation with the Department of Health and Human Services, shall award grants to qualifying public school units to contract with community partners to address school safety by providing training to help students develop healthy responses to trauma and stress. The training shall be targeted and evidence-based and shall include any of the following services:
- a. Counseling on Access to Lethal Means (CALM) training for school mental health support personnel, local first responders, and teachers

- on the topics of suicide prevention and reducing access by students to lethal means.
- b. Training for school mental health support personnel on comprehensive and evidence-based clinical treatments for students and their parents or guardians, including any of the following:
 1. Parent-child interaction therapy.
 2. Trauma-focused cognitive behavioral therapy.
 3. Behavioral therapy.
 4. Dialectical behavior therapy.
 5. Child-parent psychotherapy.
 - c. Training for students and school employees on community resilience models to improve understanding and responses to trauma and significant stress.
 - d. Training for school mental health support personnel on Modular Approach to Therapy for Children with Anxiety, Depression, Trauma, or Conduct problems (MATCH-ADTC), including any of the following components:
 1. Trauma-focused cognitive behavioral therapy.
 2. Parent and student coping skills.
 3. Problem solving.
 4. Safety planning.
 - e. Any other training, including the training on the facilitation of peer-to-peer mentoring, that is likely to increase school safety. Of the funds allocated to the Superintendent for grants pursuant to this subdivision, the Superintendent shall not use more than ten percent (10%) for the services identified in this sub-subdivision.
- (7) Grants for safety equipment. – Of the funds appropriated to the Department of Public Instruction by this section for grants for school safety equipment, the Superintendent of Public Instruction shall award grants to qualifying public school units for (i) the purchase of safety equipment for school buildings and (ii) training associated with the use of safety equipment purchased pursuant to this subsection. Notwithstanding G.S. 115C-218.105(b), charter schools may receive grants for school safety equipment pursuant to this subsection.
 - (8) Supplement not supplant. – Grants provided to qualifying public school units or community partners pursuant to the Program shall be used to supplement and not to supplant State or non-State funds already provided for these services.
 - (9) Administrative costs. – Of the funds appropriated to the Department of Public Instruction by this act for the grants provided in this subsection, the Superintendent of Public Instruction may retain a total of up to one hundred thousand dollars (\$100,000) for administrative costs associated with the Program.
 - (10) Report. – No later than April 1, 2020, 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.

SECTION 3.1.(c) Section 7.27 of S.L. 2018-5 is repealed.

SECTION 3.1.(d) Of the funds appropriated to the Department of Public Instruction by this act, the following amounts shall be allocated for the following purposes in accordance with this section:

- (1) School safety equipment grants. – The sum of six million one hundred thousand dollars (\$6,100,000) in nonrecurring funds for the 2019-2020 fiscal year for the purchase of safety equipment for school buildings and related training.
- (2) School safety training grants. – The sum of four million five hundred thousand dollars (\$4,500,000) in nonrecurring funds for the 2019-2020 fiscal year to allow qualifying public school units to contract with community partners that provide training to help students develop healthy responses to trauma and stress.
- (3) Students in crisis grants. – The sum of four million five hundred thousand dollars (\$4,500,000) in nonrecurring funds for the 2019-2020 fiscal year to allow qualifying public school units to contract with community partners that provide evidence-based crisis services to students.
- (4) School resource officer grants. – The sum of three million dollars (\$3,000,000) in recurring funds for the 2019-2020 fiscal year and the sum of six million dollars (\$6,000,000) in recurring funds for the 2020-2021 fiscal year for the employment and training of school resource officers.

PART IV. SCHOOL MENTAL HEALTH CRISIS RESPONSE PROGRAM

SECTION 4.1.(a) For purposes of this section, the following definitions shall apply:

- (1) Participating unit. – A local school administrative unit that elects to transfer school mental health personnel to a requesting unit for a temporary period of time.
- (2) Requesting unit. – A local school administrative unit requesting additional school mental health support personnel for a temporary period of time.
- (3) School mental health support personnel. – School nurses, school counselors, school psychologists, and school social workers.

SECTION 4.1.(b) The Department of Public Instruction and the Center for Safer Schools, in consultation with the Department of Health and Human Services and the Department of Public Safety, Division of Emergency Management, shall develop a recommended program for facilitating the temporary transfer of school mental health support personnel from a participating unit to a requesting unit during or after a crisis. No later than March 15, 2020, the Department shall submit a report on the recommended program to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services. The report shall outline the recommended program and include, at a minimum, the following information:

- (1) A suggested protocol for receiving and relaying requests for additional, temporary school mental health support personnel.
- (2) Anticipated costs associated with the temporary transfer of school mental health support personnel during or after a crisis.
- (3) Descriptions of and data from any similar programs existing in other states.
- (4) Additional recommendations for improving the ability of local school administrative units to share school mental health support personnel, when necessary, and appropriate reporting metrics related to the recommended program.

PART V. SCHOOL MENTAL HEALTH SUPPORT PERSONNEL REPORTS AND FUNDS

SECTION 5.1.(a) Article 21 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-316.2. School mental health support personnel reports.

(a) Definition. – For purposes of this section, the term "school mental health support personnel" refers to school psychologists, school counselors, school nurses, and school social workers.

(b) Local Report. – No later than February 15 of each year, the superintendent of each local school administrative unit shall report the following information to the local board of education of the unit:

- (1) The total number of each category of school mental health support personnel employed in the unit.
- (2) The difference from the previous school year in the total number of each category of school mental health personnel employed in the unit.

(c) State Report. – No later than March 15 of each year, the Superintendent of Public Instruction shall report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division the difference from the previous school year in the total number of each category of school mental health support personnel that are funded exclusively from the instructional support allotment in each local school administrative unit."

SECTION 5.1.(b) Of the funds appropriated to the Department of Public Instruction by this act, the sum of twenty million dollars (\$20,000,000) in recurring funds for the 2019-2020 fiscal year and the sum of twenty-three million dollars (\$23,000,000) in recurring funds for the 2020-2021 fiscal year shall be allocated to the Instructional Support Allotment. For the 2019-2021 fiscal biennium, it is the intent of the General Assembly that any additional funds provided to the instructional support allotment shall be used to improve student mental health by increasing the number of school mental health support personnel, as defined in G.S. 115C-316.2(a), in each local school administrative unit.

PART VI. SCHOOL PSYCHOLOGIST AND SCHOOL COUNSELOR POSITION STUDY

SECTION 6.1.(a) The Department of Public Instruction shall study and report on school psychologist and school counselor positions. The study and report shall include a review of at least the following information:

- (1) The number of school psychologist and school counselor positions in the State and in each local school administrative unit.
- (2) The allocation of school psychologists and school counselors in each local school administrative unit among schools within those units.
- (3) The methodology each local school administrative unit uses to determine the allocation of school psychologists and school counselors within the unit.
- (4) The density of school psychologists and school counselors in each geographic region of the State.
- (5) The number, percentage, and average salary of school psychologist and school counselor positions funded with State dollars and funded with non-State dollars.
- (6) The extent to which local school administrative units provide school psychologists and school counselors with local salary supplements and the amounts of those salary supplements.
- (7) Job descriptions posted for school psychologist and school counselor positions as compared to actual duties of school counselors.

SECTION 6.1.(b) As part of its study, the Department shall promulgate a survey to local school administrative units no later than November 1, 2019, on any topics identified in subsection (a) of this section that can be answered by a local school administrative unit. Local school administrative units shall respond to the survey by January 31, 2020. The Department shall consolidate the information reported by the local school administrative units, provide context and analysis, as necessary, and report the results of its study to the Joint Legislative Education Oversight Committee and the Fiscal Research Division no later than April 1, 2020.

PART VII. STATE BUREAU OF INVESTIGATION BEHAVIORAL THREAT ASSESSMENT POSITIONS

SECTION 7.1. Funds appropriated to the Department of Public Safety by this act shall be used to fund eight full-time equivalent positions for sworn agents at the State Bureau of Investigation. These agents shall support the Behavioral Threat Assessment (BETA) program and work to identify potential threats to schools and houses of worship. These positions become effective January 1, 2020.

PART VIII. MISCELLANEOUS

SECTION 8.1.(a) Notwithstanding any other provision of law, if House Bill 966, 2019 Regular Session, becomes law, then the following sections of that act are repealed:

- (1) Section 7.13(b).
- (2) Section 7.36.
- (3) Section 7.47.
- (4) Section 7.50.
- (5) Section 7B.11.

SECTION 8.1.(b) If any provision of this act and G.S. 143C-5-4 are in conflict, the provisions of this act shall prevail. The appropriations and the authorizations to allocate and spend funds which are set out in this act shall remain in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations Appropriations Act for that fiscal year becomes law, the Director of the Budget shall adjust allotments to give effect to that act from July 1 of the fiscal year.

PART IX. EFFECTIVE DATE

SECTION 9.1. Except as otherwise provided, this act becomes effective July 1, 2019.

In the General Assembly read three times and ratified this the 17th day of September, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:06 p.m. this 18th day of September, 2019