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Short Title: School Safety/Threat Assessment Teams.

(Public)

Sponsors:

Referred to:

April 26, 2021

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE APPLICATION OF SCHOOL SAFETY REQUIREMENTS TO PUBLIC SCHOOL UNITS, TO ENCOURAGE CERTAIN NONPUBLIC SCHOOLS TO TAKE MEASURES TO IMPROVE SCHOOL SAFETY, TO REQUIRE THAT THREAT ASSESSMENT TEAMS BE ESTABLISHED AT EACH PUBLIC SCHOOL UNIT, AND TO CODIFY THE DUTIES OF THREAT ASSESSMENT TEAMS.

The General Assembly of North Carolina enacts:

PART I. CLARIFY APPLICATION OF SCHOOL SAFETY REQUIREMENTS TO PUBLIC SCHOOL UNITS AND ENCOURAGE CERTAIN NONPUBLIC SCHOOLS TO TAKE MEASURES TO IMPROVE SCHOOL SAFETY

SECTION 1.(a) 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."

SECTION 1.(b) 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."



1 **SECTION 1.(c)** G.S. 115C-105.49A(b) reads as rewritten:

2 "(b) In constructing the SRRMS, the Division of Emergency Management and the Center
3 for Safer Schools, in collaboration with the Department of Public Instruction, Division of School
4 Operations, shall leverage the existing enterprise risk management database, the School Risk
5 Management Planning tool managed by the Division of Emergency Management. The Division
6 of Emergency Management shall also leverage the ~~local school administrative-public school unit~~
7 and participating nonpublic school schematic diagrams of school facilities. Where technically
8 feasible, the SRRMS shall integrate any anonymous tip lines established pursuant to
9 G.S. 115C-105.51 and any 911-initiated panic alarm systems authorized as part of a SRMP
10 pursuant to G.S. 115C-47(40). The Division of Emergency Management ~~and the Center for Safer~~
11 ~~Schools~~ shall collaborate with the Department of Public Instruction, Division of School
12 Operations, the Center for Safer Schools, and the North Carolina 911 Board in the design,
13 implementation, and maintenance of the SRRMS."

14 **SECTION 1.(d)** G.S. 115C-105.52 reads as rewritten:

15 **"§ 115C-105.52. School crisis kits.**

16 (a) The Department of Public Instruction, Division of School Operations, and the Center
17 for Safer Schools, in consultation with the Department of Public ~~Safety and the Department of~~
18 ~~Public Instruction, Division of School Operations, Safety~~, may develop and adopt policies on the
19 placement of school crisis kits in schools and on the contents of those kits. The kits should
20 include, at a minimum, basic first-aid supplies, communications devices, and other items
21 recommended by the International Association of Chiefs of Police.

22 (b) The principal of each school, in coordination with the law enforcement agencies that
23 are part of the ~~local board of education's public school unit's~~ School Risk Management Plan, may
24 place one or more crisis kits at appropriate locations in the school."

25 **SECTION 1.(e)** G.S. 115C-105.53 reads as rewritten:

26 **"§ 115C-105.53. Schematic diagrams and emergency access to school buildings for local**
27 **law enforcement agencies.**

28 (a) Each ~~local school administrative-public school unit~~ shall provide the following to
29 local law enforcement agencies: (i) schematic diagrams, including digital schematic diagrams,
30 and (ii) either keys to the main entrance of all school buildings or emergency access to key storage
31 devices such as KNOX® boxes for all school buildings. ~~Local school administrative-Public~~
32 school units shall provide updates of the schematic diagrams to local law enforcement agencies
33 when substantial modifications such as new facilities or modifications to doors and windows are
34 made to school buildings. ~~Local school administrative-Public school units~~ shall also be
35 responsible for providing local law enforcement agencies with updated access to school buildings
36 when changes are made to the locks and other access control devices of the main entrances or to
37 key storage devices such as KNOX® boxes.

38 (b) The Department of Public Instruction, in consultation with the Department of Public
39 Safety, shall develop standards and guidelines for the preparation and content of schematic
40 diagrams and necessary updates. ~~Local school administrative-Public school units~~ and
41 participating nonpublic schools may use these standards and guidelines to assist in the
42 preparation of their schematic diagrams.

43 "

44 **SECTION 1.(f)** G.S. 115C-105.54(a) reads as rewritten:

45 "(a) Each ~~local school administrative-public school unit~~ shall provide the following to the
46 Division of Emergency Management (Division) at the Department of Public Safety: (i) schematic
47 diagrams, including digital schematic diagrams, and (ii) emergency response information
48 requested by the Division for the School Risk Management Plan (SRMP). ~~Local school~~
49 ~~administrative-Public school units~~ shall also provide updated schematic diagrams and emergency
50 response information to the Division when such updates are made. The Division shall ensure that
51 the diagrams and emergency response information are securely stored and distributed as provided

1 in the SRMP to first responders, emergency personnel, and school personnel and approved by
2 the Department of Public Instruction."

3 **SECTION 1.(g)** G.S. 115C-218.75(b), (d), (e), and (e1) are repealed.

4 **SECTION 1.(h)** G.S. 115C-218.75 is amended by adding a new subsection to read:

5 "(i) Each charter school shall comply with the requirements for public school units in Part
6 2 of Article 8C of this Chapter."

7 **SECTION 1.(i)** G.S. 115C-238.66(7a), (7b), (7c), (7d), and (7e) are repealed.

8 **SECTION 1.(j)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

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

11 **SECTION 1.(k)** G.S. 116-239.8(b)(10), (11), (12), and (13) are repealed.

12 **SECTION 1.(l)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

13 "(19) Laboratory schools shall comply with the requirements for public school units
14 in Part 2 of Article 8C of Chapter 115C of the General Statutes."

15 **SECTION 1.(m)** G.S. 115C-75.9 is amended by adding a new subsection to read:

16 "(h1) School Safety. – Innovative schools shall comply with the requirements for public
17 school units in Part 2 of Article 8C of Chapter 115C of the General Statutes."

18 **SECTION 1.(n)** Article 9C of Chapter 115C of the General Statutes is amended by
19 adding a new section to read:

20 "**§ 115C-150.16. School safety.**

21 A school governed by this Article shall comply with the requirements for public school units
22 in Part 2 of Article 8C of this Chapter."

23 **SECTION 1.(o)** G.S. 115C-551 reads as rewritten:

24 "**§ 115C-551. Voluntary participation in the State programs.**

25 (a) Any ~~such~~ private church school or school of religious charter may, on a voluntary
26 basis, participate in any State operated or sponsored program which would otherwise be available
27 to such school, including but not limited to the high school competency testing and statewide
28 testing programs.

29 (b) All private church schools and all schools of religious charter are encouraged to do
30 the following:

31 (1) School Risk Management Plan. – In coordination with local law enforcement
32 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents
33 of school violence. In constructing and maintaining these plans, the school
34 may utilize the School Risk and Response Management System (SRRMS)
35 established pursuant to G.S. 115C-105.49A. These plans are not considered a
36 public record as the term "public record" is defined under G.S. 132-1 and shall
37 not be subject to inspection and examination under G.S. 132-6.

38 (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and
39 keys to the main entrance of school facilities to local law enforcement
40 agencies, in addition to implementing the provisions in G.S. 115C-105.52.

41 (3) School safety exercises. – At least once a year, hold a full school-wide
42 lockdown exercise with local law enforcement and emergency management
43 agencies that are part of the private school's SRMP.

44 (4) Safety information provided to the Department of Public Safety, Division of
45 Emergency Management. – Provide the following: (i) schematic diagrams,
46 including digital schematic diagrams, and (ii) emergency response
47 information requested by the Division for the SRMP. The schematic diagrams
48 and emergency response information are not considered public records as the
49 term "public record" is defined under G.S. 132-1 and shall not be subject to
50 inspection and examination under G.S. 132-6."

51 **SECTION 1.(p)** G.S. 115C-559 reads as rewritten:

1 **"§ 115C-559. Voluntary participation in the State programs.**

2 (a) Any ~~such~~-qualified nonpublic school may, on a voluntary basis, participate in any
3 State operated or sponsored program which would otherwise be available to such school,
4 including but not limited to the high school competency testing and statewide testing programs.

5 (b) All qualified nonpublic schools are encouraged to do the following:

- 6 (1) School Risk Management Plan. – In coordination with local law enforcement
7 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents
8 of school violence. In constructing and maintaining these plans, the school
9 may utilize the School Risk and Response Management System (SRRMS)
10 established pursuant to G.S. 115C-105.49A. These plans are not considered a
11 public record as the term "public record" is defined under G.S. 132-1 and shall
12 not be subject to inspection and examination under G.S. 132-6.
- 13 (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and
14 keys to the main entrance of school facilities to local law enforcement
15 agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- 16 (3) School safety exercises. – At least once a year, hold a full school-wide
17 lockdown exercise with local law enforcement and emergency management
18 agencies that are part of the private school's SRMP.
- 19 (4) Safety information provided to the Department of Public Safety, Division of
20 Emergency Management. – Provide the following: (i) schematic diagrams,
21 including digital schematic diagrams, and (ii) emergency response
22 information requested by the Division for the SRMP. The schematic diagrams
23 and emergency response information are not considered public records as the
24 term "public record" is defined under G.S. 132-1 and shall not be subject to
25 inspection and examination under G.S. 132-6."

26
27 **PART II. THREAT ASSESSMENT TEAMS**

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

30 **"§ 115C-105.65. Threat assessment teams.**

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

- 32 (1) Superintendent. – The superintendent or, if there is no superintendent, the staff
33 member with the highest decision-making authority.
- 34 (2) Threat assessment. – A fact-based process of identifying, assessing, and
35 managing individuals who may pose a risk of violence or other harm to self
36 or others.
- 37 (3) Threat assessment team. – A multidisciplinary team that includes, but is not
38 limited to, persons with expertise in counseling, instruction, school
39 administration, and law enforcement that conducts threat assessments in a
40 public school unit when threatening behavior has been communicated and
41 when a student has engaged in threatening behavior that warrants further
42 evaluation. When practicable, at least one member of a threat assessment team
43 shall be a school psychologist or, if a school psychologist is not available, a
44 psychologist or psychiatrist. Members of a threat assessment team who are not
45 employees of the public school unit may review student records as provided
46 in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a written agreement with the
47 public school unit of the requirements and responsibilities for use of student
48 records under the federal Family Educational Rights and Privacy Act.
- 49 (4) Threatening behavior. – Any communication or action that indicates that an
50 individual may pose a danger to the safety or well-being of school staff or
51 students through acts of violence or other behaviors that would cause harm to

1 self or others. These behaviors may be expressed or communicated orally,
2 visually, in writing, electronically, or through any other means and may be
3 considered threatening regardless of whether a direct verbal threat is
4 expressed.

5 (b) The Center for Safer Schools shall develop policies for threat assessment teams for
6 public school units in consultation with the Task Force for Safer Schools, Disability Rights North
7 Carolina, the North Carolina School Psychology Association, the State Bureau of Investigation,
8 and relevant State government agencies. These policies shall not reference or reveal any
9 information that has been excluded as a public record under G.S. 115C-47(40), Part 2 of Article
10 8C of this Chapter, or any other relevant statute. These policies shall include at a minimum
11 procedures for all of the following:

- 12 (1) Assessment of and intervention with a student whose behavior poses a risk to
13 the safety of school staff, school students, or self.
- 14 (2) Involvement of the student's parent or legal guardian throughout the threat
15 assessment process.
- 16 (3) Referral to LME/MCOs, as provided in G.S. 122C-115.4(b)(9), for evaluation
17 or treatment, when appropriate.
- 18 (4) Compliance with the Family Educational Rights and Privacy Act (FERPA),
19 20 U.S.C. § 1232g, the Individuals with Disabilities Education Act (IDEA),
20 20 U.S.C. § 1400, et seq., and Article 9 of Chapter 115C of the General
21 Statutes.

22 (c) The governing body of the public school unit shall adopt at a minimum the policies
23 developed by the Center for Safer Schools, in accordance with subsection (b) of this section, for
24 the establishment of threat assessment teams, including the conduct of threat assessments and
25 intervention with individuals whose behavior may pose a risk to the safety of school staff or
26 students. These policies shall not reference or reveal any information that has been excluded as
27 a public record under G.S. 115C-47(40), Part 2 of Article 8C of this Chapter, or any other relevant
28 statute.

29 (d) The superintendent or designee may establish a committee charged with coordination
30 and monitoring of the threat assessment teams operating within the unit, which may be an existing
31 committee established by the unit. If a committee is established, the committee shall include
32 individuals with expertise in human resources, education, school administration, mental health,
33 and law enforcement.

34 (e) Each school in the public school unit shall have a multidisciplinary threat assessment
35 team established by the superintendent. In the discretion of the superintendent, an established
36 threat assessment team may serve more than one school in the unit. Each team shall do the
37 following:

- 38 (1) Provide guidance to students, faculty, and staff regarding recognition and
39 reporting of threatening behavior that may indicate a risk of harm to the
40 community, school, or self.
- 41 (2) When threatening behaviors are identified, conduct threat assessments to
42 determine appropriate actions and intervention based on the level of risk
43 determined by the assessment. A threat assessment team shall determine the
44 level of risk posed by an individual or situation as follows:
 - 45 a. Low risk. – The individual or situation does not appear to pose a risk
46 of violence or serious harm to self or others and any exhibited issues
47 or concerns can be resolved easily.
 - 48 b. Moderate risk. – The individual or situation does not appear to pose a
49 risk of violence or serious harm to self or others, at this time, but
50 exhibits behaviors that indicate a need for intervention, which may
51 include increased academic or behavioral supports, services intended

- 1 to address the impact of stressors, mental health or drug abuse
2 treatment, and mediation for student conflicts or bullying.
- 3 c. High risk. – The individual or situation appears to pose a risk of
4 violence or serious harm to self or others, exhibiting behaviors that
5 indicate both a continuing intent to harm and efforts to acquire the
6 capacity to carry out the plan, and may also exhibit other concerning
7 behavior that requires intervention.
- 8 d. Imminent risk. – The individual or situation appears to pose a clear
9 and immediate risk of serious violence toward others that requires
10 containment and action to protect identified or identifiable target or
11 targets and may also exhibit other concerning behavior that requires
12 intervention.
- 13 (3) Identify members of the school community to whom threatening behavior
14 should be reported.
- 15 (4) Implement policies adopted by the governing body of the public school unit
16 pursuant to subsection (c) of this section.
- 17 (5) Utilize anonymous reporting applications for students to share information
18 about school safety concerns requiring investigation.
- 19 (f) Upon a determination that an individual poses a high risk or imminent risk of violence
20 or physical harm to self or others, a threat assessment team shall immediately report its
21 determination to the superintendent or the superintendent's designee, who shall respond as
22 follows:
- 23 (1) The superintendent or designee shall immediately attempt to notify the
24 student's parent or legal guardian. The superintendent may delegate the
25 responsibility for notification to the principal of the school and may require
26 notice be made to the principal directly.
- 27 (2) In the case of threatening behavior that is an imminent risk and determined to
28 be an emergency by the superintendent or designee under the standards
29 established by the Family Educational Rights and Privacy Act in 20 U.S.C. §
30 1232g(b)(1)(I), the superintendent or designee shall provide notice to
31 individuals who are the subject of threatening behavior and, if a student is the
32 subject of threatening behavior, the superintendent or designee shall provide
33 notice to the student's parent or legal guardian. All notices shall be in
34 accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. §
35 1232g. The superintendent may delegate the responsibility for notification to
36 the principal of the school and may require notice be made to the principal
37 directly.
- 38 (3) In the case of threatening behavior that is an imminent risk, the superintendent
39 or designee shall immediately notify the appropriate local law enforcement
40 agency. In the case of threatening behavior that is a high risk, the
41 superintendent or designee shall notify the appropriate local law enforcement
42 agency when recommended by the threat assessment team.
- 43 (4) When the threat assessment team makes a recommendation that the student be
44 referred for mental health services, the superintendent or designee shall notify
45 the student's parent or legal guardian of all of the following information:
- 46 a. That the threat assessment team has recommended that the student be
47 referred for mental health services.
- 48 b. That if the student is covered by private insurance or a Medicaid
49 prepaid health plan, then the parent or guardian is encouraged to
50 contact the student's primary care provider or insurance company.

1 c. That if the student is uninsured or is covered by Medicaid and not
2 enrolled in a prepaid health plan, then the parent or guardian is
3 encouraged to contact the local management entity/managed care
4 organization that serves the catchment area where the student resides.

5 d. That with the parent or legal guardian's consent, if the student is
6 uninsured or is covered by Medicaid and not enrolled in a prepaid
7 health plan, then the superintendent or designee shall make a referral
8 that includes the parent or guardian's contact information to the local
9 management entity/managed care organization that serves the
10 catchment area where the student resides.

11 (5) The superintendent or designee shall comply with the requirements of Article
12 27 of this Chapter for any student discipline actions.

13 Nothing in this subsection shall preclude public school personnel from acting immediately to
14 address threatening behavior that is an imminent risk.

15 (g) Each threat assessment team established pursuant to this section shall report
16 quantitative data on its activities to the Center for Safer Schools according to guidance developed
17 by the Center. Such data shall include, at a minimum, the following:

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

20 (2) Total number of threat assessments that resulted in a determination that the
21 individual being assessed exhibited threatening behavior and demographic
22 information on those individuals.

23 (3) All actions taken in response to a determination that the individual being
24 assessed exhibited threatening behavior.

25 (4) All results of actions taken in response to determination that the individual
26 being assessed exhibited threatening behavior.

27 (h) Upon a determination by the threat assessment team that an individual exhibited
28 threatening behavior that poses a high risk or an imminent risk, a threat assessment team may
29 obtain the following:

30 (1) Health records. – Notwithstanding G.S. 8-53 or any other provision of law, a
31 health care provider may disclose protected health information related to
32 threatening behavior that poses a high risk or an imminent risk to the health
33 or safety of school staff or students to a member of a threat assessment team
34 who is a school nurse, school psychologist, or other licensed health or licensed
35 mental health professional. The member of the threat assessment team who
36 receives the health records shall provide an explanation of the health records
37 when sharing those records with the remainder of the threat assessment team.

38 (2) Criminal records. – A threat assessment team may obtain criminal history as
39 provided in G.S. 143B-931.1. For a threat assessment of a student with
40 juvenile records, the threat assessment team shall have access to written
41 notifications received pursuant to G.S. 7B-3101 and information gained from
42 examination of juvenile records in accordance with G.S. 7B-3100, held
43 pursuant to G.S. 115C-404. Records held pursuant to G.S. 115C-404 shall be
44 returned to the principal following review by the threat assessment team.

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

49 (i) No governing body of a public school unit, nor its members, employees, designees,
50 agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused
51 by any act or omission relating to the participation in or implementation of any component of the

1 threat assessment team policies required by this section, unless that act or omission amounts to
2 gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be
3 construed to impose any specific duty of care or standard of care."

4 **SECTION 2.(b)** Article 13 of Chapter 143B of the General Statutes is amended by
5 adding a new section to read:

6 **"§ 143B-931.1. Criminal records checks for threat assessment teams.**

7 The Department of Public Safety may provide a criminal record check to the members of a
8 threat assessment team established by the governing body of a public school unit, as defined in
9 G.S. 115C-5(7a), pursuant to G.S. 115C-105.65 for the purpose of administering criminal justice
10 in assessing or intervening when a determination has been made that an individual exhibits
11 threatening behavior that poses an imminent risk to school safety. No member of a threat
12 assessment team shall redisclose any criminal history record information obtained pursuant to
13 this section or otherwise use any record of an individual beyond the purpose that such disclosure
14 was made to the threat assessment team."

15 **SECTION 2.(c)** G.S. 115C-47 is amended by adding a new subdivision to read:

16 "(65) Peer-to-peer student support programs. – Local boards of education shall
17 require peer-to-peer student support programs be established at all schools
18 with grades six and higher and are encouraged to implement peer-to-peer
19 student support programs as appropriate in other grades."

20 **SECTION 2.(d)** G.S. 115C-316.1 is amended by adding a new subsection to read:

21 "(c) School counselors, as part of the direct services provided in subsection (a) of this
22 section, shall coordinate and provide training for students in peer-to-peer student support
23 programs that address areas such as conflict resolution, general health and wellness, and
24 mentoring. The Center for Safer Schools will support school counselors in the administration and
25 delivery of peer-to-peer student support programs."

26 **SECTION 2.(e)** G.S. 122C-115.4(b) is amended by adding a new subdivision to
27 read:

28 "(9) Each LME/MCO shall receive referrals from school superintendents or
29 designees in accordance with G.S. 115C-105.65(f)(4)d. related to students
30 who are uninsured or are covered by Medicaid and not enrolled in a prepaid
31 health plan residing in the LME/MCO's catchment area. Within 10 calendar
32 days after receipt of a referral, the LME/MCO shall contact the student's
33 parent or legal guardian using the information provided on the referral and
34 shall provide assistance with identifying appropriate existing mental health
35 resources available to the student. The assistance shall include identifying
36 sources of funding to assist with the cost of mental health services as well as
37 providing referrals to appropriate mental health service providers and mental
38 health services."

40 **PART III. EFFECTIVE DATE**

41 **SECTION 3.** This act is effective when it becomes law. All local boards of education
42 are encouraged to have peer-to-peer student support programs by the 2021-2022 school year.
43 Policies for threat assessment teams required by G.S. 115C-105.65(b), as enacted by this act,
44 shall be developed by the Center for Safer Schools no later than December 31, 2021. All public
45 school units shall establish policies and threat assessment teams as required by
46 G.S. 115C-105.65(c), as enacted by this act, no later than March 1, 2022. Subsections (c) and (d)
47 of Section 2 of this act apply beginning with the 2022-2023 school year. The remainder of this
48 act applies beginning with the 2021-2022 school year.