

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 883

Short Title: Increased Security - Nonpublics & Day Cares. (Public)

Sponsors: Senators Batch, Grafstein, and Chaudhuri (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 6, 2024

A BILL TO BE ENTITLED
AN ACT TO ENHANCE SAFETY IN NONPUBLIC SCHOOLS BY REQUIRING SECURITY
DRILLS; TO ENHANCE SAFETY IN DAY CARE CENTERS BY REQUIRING
SECURITY DRILLS; TO ENHANCE SAFETY IN ADULT DAY CARE AND ADULT
DAY HEALTH PROGRAMS BY REQUIRING THE DEVELOPMENT AND
IMPLEMENTATION OF EMERGENCY LOCKDOWN PROCEDURES; AND
APPROPRIATING FUNDS TO SUPPORT IMPLEMENTATION AND ENFORCEMENT
OF THESE REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Subsection (b) of G.S. 115C-551 is recodified as G.S. 115C-550.5 and reads as rewritten:

"§ 115C-550.5 School risk management plans.

(a) All private church schools and all schools of religious charter ~~are encouraged to~~ shall do the following:

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

SECTION 1.(b) Subsection (b) of G.S. 115C-559 is recodified as G.S. 115C-558.5 and reads as rewritten:



"§ 115C-558.5 School risk management plans.

(a) All qualified nonpublic schools ~~are encouraged to~~ shall do the following:

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

SECTION 2. Article 7 of Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-111. Emergency preparedness.

(a) Each child care facility licensed under this Article shall develop an Emergency Preparedness Plan in accordance with rules adopted by the Department for those plans.

(b) As part of the Emergency Preparedness Plan, each child care facility shall hold a full facility-wide lockdown exercise with local law enforcement at least once a year."

SECTION 3. Part 2 of Article 1 of Chapter 131D of the General Statutes is amended by adding a new section to read:

"§ 131D-6.2. Lockdown requirements for adult day care and adult day health programs; rules; penalties for noncompliance.

(a) Findings and Purpose. – The General Assembly finds that ensuring the safety of adult day care and adult day health program settings is of utmost importance. The purpose of this section is to establish requirements for adult day care and adult day health programs to develop and implement lockdown procedures and conduct periodic lockdown drills to ensure preparedness for an emergency situation.

(b) Definitions. – As used in this section, the term "lockdown" means an emergency safety procedure in which occupants of a facility in which an adult day care or adult day health program operates remain in a locked indoor space upon notification by local law enforcement, emergency personnel, or another relevant authority that a dangerous person is in the vicinity of the facility.

(c) Lockdown Requirements; Rules. – Each adult day care and adult day health program certified under G.S. 131D-6 or G.S. 131D-6.1 shall develop and implement a lockdown protocol to ensure preparedness to protect the safety of program participants, their families, and program staff. The Social Services Commission shall adopt rules to implement this requirement, which shall contain at least all of the following:

- (1) A description of the situations and notifications that require lockdown and when a required lockdown may be terminated.
- (2) A requirement to conduct periodic lockdown drills at least once annually.

(3) A requirement to submit, in the format prescribed by the Department, a report of all lockdown activities conducted during the preceding calendar year.

(d) Penalties for Noncompliance. – The Department of Health and Human Services may, in its discretion, impose a civil penalty not to exceed one thousand dollars (\$1,000) against an adult day care or adult day health program that violates any provision of this section or any rule adopted by the Social Services Commission pursuant to this section. Each day of a continuing violation constitutes a separate violation. In determining the amount of the civil penalty, the Secretary shall consider the degree and extent of the harm or potential harm caused by the violation. The clear proceeds of civil penalties imposed pursuant to this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(e) No Private Right of Action. – This section does not create or authorize a private right of action to enforce the provisions of this section."

SECTION 4.(a) There is appropriated from the General Fund to the Department of Administration the sum of one hundred thousand dollars (\$100,000) in recurring funds for the 2024-2025 fiscal year to be allocated to the Division of Nonpublic Education for the Division to support implementation and enforcement of G.S. 115C-550.5 and G.S. 115C-558.5, as enacted by Section 1 of this act.

SECTION 4.(b) There is appropriated to the Department of Health and Human Services the sum of one hundred thousand dollars (\$100,000) in recurring funds to support implementation and enforcement of G.S. 131D-6.2, as enacted by Section 3 of this act.

SECTION 5. This act becomes effective July 1, 2024. Section 1 of this act applies beginning with the 2024-2025 school year.