SYNOPSIS
Requires certain documentation of needs of students with disabilities during school security drills and emergency situations and in school security plans; requires staff training on needs of students with disabilities in emergency planning.

CURRENT VERSION OF TEXT
As amended by the General Assembly on May 25, 2023.

(Sponsorship Updated As Of: 12/7/2023)

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. N.J.S.18A:41-1 is amended to read as follows:

18A:41-1. Every principal of a school of two or more rooms, or of a school of one room, when located above the first story of a building, shall have at least one fire drill and one school security drill each month within the school hours, including any summer months during which the school is open for instructional programs\[2\] and shall require all teachers of all schools\[3\]. Employees of the school district or receiving school\[2\], whether occupying buildings of one or more stories, \[to\] shall\[2\] keep all exterior\[2\] doors and exits \[of their respective rooms and buildings unlocked during the school hours, except\] locked at all times except when necessary to comply with the requirements set forth in the Uniform Fire Code\[3\], including applicable requirements\[2\] during an emergency lockdown or an emergency lockdown drill. All students\[2\] and staff\[2\] shall fully participate in each drill conducted\[2\] to the greatest extent practicable and, when appropriate, utilize procedures for assisting in the rescue of persons unable to use the general means of egress to ensure that participation does not pose a safety risk\[2\]. Where school buildings have been provided with fire escapes, they shall be used by a part or all of the pupils performing every fire drill. \[An actual fire or school security emergency that occurs at a school during the month and that includes activities which are the equivalent of a drill shall be considered a drill for the purposes of meeting the requirements of this section.\[3\]\ An actual school security emergency that occurs at a school during the month that includes activities which are the equivalent of a drill shall be considered a school security drill for the purposes of meeting the requirements of this section.\[3\]

A law enforcement officer shall be present at a minimum of one school security drill in each school year in order to make recommendations on any improvements or changes to school security drill procedures that the officer may deem advisable.

(2) Section 2 of P.L.2009, c.178 (C.18A:41-7) is amended to read as follows:

2. a. A local board of education\[2\], chief school administrator of a receiving school\[2\] and chief school administrator of a nonpublic school

EXPLANATION – Matter enclosed in bold-faced brackets \[thus\] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
\[1\]Assembly AED committee amendments adopted March 16, 2023.
\[2\]Assembly floor amendments adopted March 30, 2023.
\[3\]Assembly floor amendments adopted May 25, 2023.
shall ensure that all full-time employees in the district, receiving school, or nonpublic school are provided with training on school safety and security that includes instruction on school security drills. The training shall model the training provided by the New Jersey School Safety Specialist Academy established pursuant to section 1 of P.L.2017, c.162 (C.18A:17-43.2). use the drill guide and training materials prepared pursuant to section 3 of P.L.2009, c.178 (C.App.A:9-86) and [shall] utilize various formats such as drills, functional exercises, and tabletop exercises. The annual training provided to employees shall be conducted collaboratively by the district, receiving school or nonpublic school and in consultation with emergency responders, including law enforcement, fire, and emergency medical services personnel, in order to identify weaknesses in school safety and security policies and procedures and to increase the effectiveness of emergency responders.

b. A local board of education, chief school administrator of a receiving school, and chief school administrator of a nonpublic school shall ensure that individuals employed in the school district, receiving school or nonpublic school in a substitute capacity are provided with information and training on the district's, receiving school's, or nonpublic school's practices and procedures on school safety and security including instruction on school security drills, evacuation procedures, and emergency response protocols in the school district, receiving school or nonpublic school and the school building where the individuals are employed. In the event that an individual is employed in a substitute capacity in the district, receiving school or nonpublic school at the time the school safety and security training is being provided to full-time employees pursuant to subsection a. of this section, the district, receiving school or nonpublic school shall include the individual in the training.

c. A local board of education, chief school administrator of a receiving school and chief school administrator of a nonpublic school shall provide, to the extent permitted by federal law, to all persons who supervise youth programs that are not sponsored by the school district, receiving school or nonpublic school, but operate a program in a district, receiving school or nonpublic school building before or after school hours, on the weekend, or during a period when school is not in session, information on school district, receiving school or nonpublic school practices and procedures in the event of a school safety or security incident at a school including non-confidential information on evacuation procedures, emergency response protocols, and emergency contact information. The information provided to persons who supervise youth programs pursuant to the provisions of this subsection shall not include student records. It shall be the responsibility of the organization that sponsors the youth program to train the program's employees and
volunteers on the school security and emergency procedures in effect
in the school building in which the youth program is located. The
organization that sponsors the youth program shall file a statement of
assurance with the school district superintendent, chief school
administrator of the receiving school, or chief school administrator of
the nonpublic school that it has complied with the training
requirements prior to the district, receiving school, or nonpublic
school authorizing the use of the school building. The statement of
assurance shall be developed by the Commissioner of Education and
shall be filed with the school district, receiving school, or nonpublic
school on an annual basis.

d. Any information or training provided pursuant to this section
shall address the unique needs of students with disabilities in the event
of a fire drill, school security drill, or actual emergency situation. An
employee subject to the provisions of subsections a. or b. of this
section shall be made aware of any anticipated mobility, sensory,
medical, social, communication, emotional, regulatory, and decision-
making support needs of students in the care of the employee and any
supports, modifications, accommodations, and services to be provided
to students, as enumerated in their individualized education programs,
individualized health care plans, 504 plans, or service plans pursuant
to section 4 of P.L. , c. (pending before the Legislature as
this bill).1

e. As used in this section, “receiving school” means an
educational services commission, jointure commission, regional day
school, county special services school district, the Marie H.
Katzenbach School for the Deaf, approved private school for students
with disabilities, and public college operated programs for students
with disabilities.2 (cf: P.L.2019, c.480. s.1)

3. Section 3 of P.L.2009, c.178 (C.App.A:9-86) is amended to
read as follows:

3. a. The [Director of the Office of Homeland Security and
Preparedness] Commissioner of Education shall, in consultation
with the [Commissioner of Education] Director of the Office of
Homeland Security and Preparedness, the Director of the Division
of Fire Safety in the Department of Community Affairs, the
Director of the State Office of Emergency Management in the
Division of State Police in the Department of Law and Public
Safety, and the Attorney General, develop and disseminate to each
school district, receiving school, and nonpublic school a building
security drill guide and training materials that educate school
employees on proper evacuation and lockdown procedures in a
variety of emergency situations on school grounds including, but
not limited to, bomb threats and active shooter situations. The drill
guide and training materials shall incorporate information on the
unique needs of students with disabilities and include standard protocols and procedures for accommodating those students during fire, school security drills, or actual emergency situations.

b. The drill guide and training materials shall be updated at regular intervals in order to ensure that they incorporate the most current information available on school security.

c. As used in this section, “receiving school” means an educational services commission, jointure commission, regional day school, county special services school district, the Marie H. Katzenbach School for the Deaf, approved private school for students with disabilities, and public college operated programs for students with disabilities.

(cf: P.L.2009, c.178, s.3)

4. (New section) a. A school district, receiving school, and a nonpublic school shall ensure that a student’s individualized education program, individualized health care plan, 504 plan, or, in the case of student with a disability enrolled in a nonpublic school, service plan documents the student’s unique mobility, sensory, medical, social, communication, emotional, regulatory, and decision-making needs in the event of a fire or school security drill or an actual emergency situation that may occur on school grounds is maintained in the student record. The documentation maintained in the student record shall indicate whether or not the student is able to safely and fully participate in fire drills or school security drills without the use of supplementary supports, modifications, accommodations, or services, or if any accommodations are needed, including determining areas of refuge during an emergency.

b. If it is determined that a student requires supplementary supports, modifications, accommodations, or services in order to safely and fully participate in a fire or school security drill, a written plan shall be included in the student’s individualized education program, individualized health care plan, 504 plan, or service plan maintained in the student record. The written plan shall:

(1) describe the anticipated mobility, sensory, medical, social, communication, emotional, regulatory, and decision-making support needs of the student during a fire or school security drill and during an actual emergency situation;

(2) describe the supports, modifications, accommodations, and services to be provided to the student during a fire or school security drill and during an actual emergency situation; and
(3) describe the role of school employees in supporting the student during a fire drill or school security drill and during an actual emergency situation, including the need for any specific training of school employees.

c. A school district and, if applicable, a nonpublic school shall on a regular basis, but not less than once annually, perform a review of any determinations made pursuant to this section to evaluate the school security needs of a student.

5. (New section) In developing its districtwide school safety and security plan, a school district and receiving school shall:

a. demonstrate that it has considered the individual needs of each student with a disability, as enumerated in the students’ individualized education programs, individualized health care plans, 504 plans, or, in the case of students with disabilities enrolled in nonpublic schools, service plans pursuant to section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill);

and

b. incorporate protocols into the districtwide school safety and security plan for communicating the individual needs of each student with a disability into the districtwide school safety and security plan and, as deemed appropriate and necessary, communicate those needs, when appropriate and in compliance with the “Family Educational Rights and Privacy Act of 1974,” (20 U.S.C. s. 1232g), to third parties including, but not limited to, law enforcement agencies, health and social services provider agencies, first responders, and emergency management agencies.

c. As used in this section, “receiving school” means an educational services commission, jointure commission, regional day school, county special services school district, the Marie H. Katzenbach School for the Deaf, approved private school for students with disabilities, and public college operated programs for students with disabilities.

6. This act shall take effect on the first day of the sixth month following the date of enactment.