

[Third Reprint]

**ASSEMBLY, No. 1174**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Co-Sponsored by:**

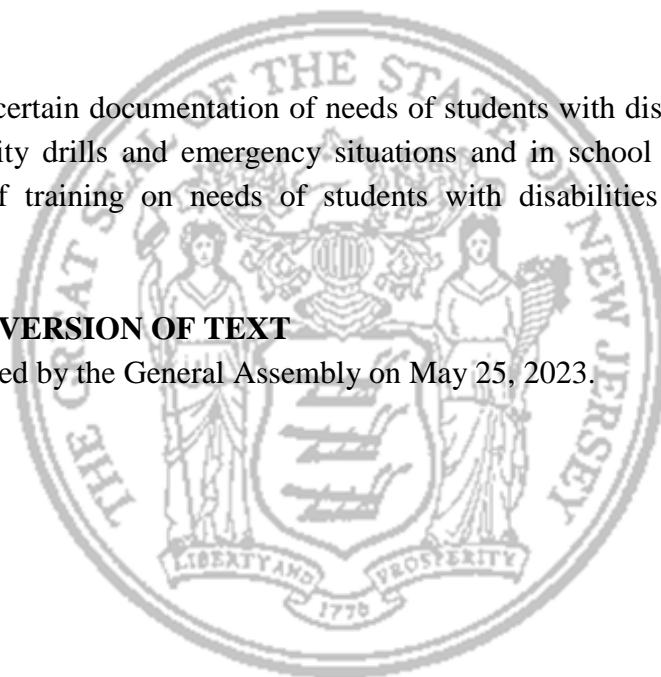
**Assemblymen Caputo, Karabinchak, Assemblywomen McKnight, Lopez, Carter, Assemblyman Clifton, Assemblywomen Mosquera, Matsikoudis, Assemblyman Moriarty, Assemblywomen Lampitt, Speight, Eulner, Piperno, DeFuccio, Assemblyman Wimberly, Assemblywoman Murphy and Assemblyman Sampson**

**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)**

1 AN ACT concerning emergency planning in schools, amending  
2 N.J.S.18A:41-1 and P.L.2009, c.178, and supplementing chapters  
3 41 and 46 of Title 18A of the New Jersey Statutes.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

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

9 18A:41-1. Every principal of a school of two or more rooms, or of  
10 a school of one room, when located above the first story of a building,  
11 shall have at least one fire drill and one school security drill each  
12 month within the school hours, including any summer months during  
13 which the school is open for instructional programs<sup>2</sup>, and shall  
14 require all teachers of all schools] . Employees of the school district  
15 or receiving school<sup>2</sup>, whether occupying buildings of one or more  
16 stories, <sup>2</sup>[to] shall<sup>2</sup> keep all <sup>2</sup>exterior<sup>2</sup> doors and exits <sup>2</sup>[of their  
17 respective rooms and buildings unlocked during the school hours,  
18 except] locked at all times except when necessary to comply with the  
19 requirements set forth in the <sup>3</sup>[fire code] Uniform Fire Code<sup>3</sup>,  
20 including applicable requirements<sup>2</sup> during an emergency lockdown or  
21 an emergency lockdown drill. All students <sup>2</sup>and staff<sup>2</sup> shall fully  
22 participate in each drill conducted <sup>2</sup>to the greatest extent practicable  
23 and, when appropriate, utilize procedures for assisting in the rescue of  
24 persons unable to use the general means of egress to ensure that  
25 participation does not pose a safety risk<sup>2</sup>. Where school buildings  
26 have been provided with fire escapes, they shall be used by a part or  
27 all of the pupils performing every fire drill. <sup>2</sup>[An actual fire or school  
28 security emergency that occurs at a school during the month and that  
29 includes activities which are the equivalent of a drill shall be  
30 considered a drill for the purposes of meeting the requirements of this  
31 section.]<sup>2</sup> <sup>3</sup>An actual school security emergency that occurs at a  
32 school during the month that includes activities which are the  
33 equivalent of a drill shall be considered a school security drill for the  
34 purposes of meeting the requirements of this section.<sup>3</sup>

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

39 (cf: P.L.2016, c.80, s.1)  
40

41 <sup>1</sup>2. Section 2 of P.L.2009, c.178 (C.18A:41-7) is amended to read  
42 as follows:

43 2. a. A local board of education<sup>2</sup>, chief school administrator of a  
44 receiving school,<sup>2</sup> 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:

<sup>1</sup>Assembly AED committee amendments adopted March 16, 2023.

<sup>2</sup>Assembly floor amendments adopted March 30, 2023.

<sup>3</sup>Assembly floor amendments adopted May 25, 2023.

1 shall ensure that all full-time employees in the district<sup>2</sup>, receiving  
2 school,<sup>2</sup> or nonpublic school are provided with training on school  
3 safety and security that includes instruction on school security drills.  
4 The training shall <sup>3</sup>model the training provided by the New Jersey  
5 School Safety Specialist Academy established pursuant to section 1 of  
6 P.L.2017, c.162 (C.18A:17-43.2),<sup>3</sup> use the drill guide and training  
7 materials prepared pursuant to section 3 of P.L.2009, c.178  
8 (C.App.A:9-86) <sup>3</sup>,<sup>3</sup> and <sup>3</sup>**[shall]**<sup>3</sup> utilize various formats such as drills,  
9 functional exercises, and tabletop exercises. The annual training  
10 provided to employees shall be conducted <sup>3</sup>**[collaboratively]**<sup>3</sup> by the  
11 district<sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school <sup>3</sup>**[and]** in consultation  
12 with<sup>3</sup> emergency responders, including law enforcement, fire, and  
13 emergency medical services personnel, in order to identify weaknesses  
14 in school safety and security policies and procedures and to increase  
15 the effectiveness of emergency responders.

16 b. A local board of education<sup>3</sup>, chief school administrator of a  
17 receiving school,<sup>3</sup> and chief school administrator of a nonpublic  
18 school shall ensure that individuals employed in the school district<sup>3</sup>,  
19 receiving school,<sup>3</sup> or nonpublic school in a substitute capacity are  
20 provided with information and training on the district's <sup>3</sup>, receiving  
21 school's,<sup>3</sup> or nonpublic school's practices and procedures on school  
22 safety and security including instruction on school security drills,  
23 evacuation procedures, and emergency response protocols in the  
24 school district<sup>3</sup>, receiving school,<sup>3</sup> or nonpublic school and the school  
25 building where the individuals are employed. In the event that an  
26 individual is employed in a substitute capacity in the district<sup>3</sup>,  
27 receiving school,<sup>3</sup> or nonpublic school at the time the school safety  
28 and security training is being provided to full-time employees pursuant  
29 to subsection a. of this section, the district<sup>3</sup>, receiving school,<sup>3</sup> or  
30 nonpublic school shall include the individual in the training.

31 c. A local board of education<sup>3</sup>, chief school administrator of a  
32 receiving school,<sup>3</sup> and chief school administrator of a nonpublic  
33 school shall provide<sup>3</sup>, to the extent permitted by federal law,<sup>3</sup> to all  
34 persons who supervise youth programs that are not sponsored by the  
35 school district<sup>3</sup>, receiving school,<sup>3</sup> or nonpublic school, but operate a  
36 program in a district<sup>3</sup>, receiving school,<sup>3</sup> or nonpublic school building  
37 before or after school hours, on the weekend, or during a period when  
38 school is not in session, information on school district<sup>3</sup>, receiving  
39 school,<sup>3</sup> or nonpublic school practices and procedures in the event of a  
40 school safety or security incident at a school including non-  
41 confidential information on evacuation procedures, emergency  
42 response protocols, and emergency contact information. <sup>3</sup>The  
43 information provided to persons who supervise youth programs  
44 pursuant to the provisions of this subsection shall not include student  
45 records.<sup>3</sup> It shall be the responsibility of the organization that  
46 sponsors the youth program to train the program's employees and

1 volunteers on the school security and emergency procedures in effect  
2 in the school building in which the youth program is located. The  
3 organization that sponsors the youth program shall file a statement of  
4 assurance with the school district superintendent<sup>3</sup>, chief school  
5 administrator of the receiving school,<sup>3</sup> or chief school administrator of  
6 the nonpublic school that it has complied with the training  
7 requirements prior to the district<sup>3</sup>, receiving school,<sup>3</sup> or nonpublic  
8 school authorizing the use of the school building. The statement of  
9 assurance shall be developed by the Commissioner of Education and  
10 shall be filed with the school district<sup>3</sup>, receiving school,<sup>3</sup> or nonpublic  
11 school on an annual basis.

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

24 <sup>2</sup>e. As used in this section, “receiving school” means an  
25 educational services commission, jointure commission, regional day  
26 school, county special services school district, the Marie H.  
27 Katzenbach School for the Deaf, approved private school for students  
28 with disabilities, and public college operated programs for students  
29 with disabilities.<sup>2</sup>

30 (cf: P.L.2019, c.480. s.1)

31

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

34 3. a. The <sup>2</sup>**[Director of the Office of Homeland Security and**  
35 **Preparedness]** Commissioner of Education<sup>2</sup> shall, in consultation  
36 with the <sup>2</sup>**[Commissioner of Education]** Director of the Office of  
37 Homeland Security and Preparedness<sup>2</sup>, the Director of the Division  
38 of Fire Safety in the Department of Community Affairs, the  
39 Director of the State Office of Emergency Management in the  
40 Division of State Police in the Department of Law and Public  
41 Safety, and the Attorney General, develop and disseminate to each  
42 school district<sup>2</sup>, receiving school,<sup>2</sup> and nonpublic school a building  
43 security drill guide and training materials that educate school  
44 employees on proper evacuation and lockdown procedures in a  
45 variety of emergency situations on school grounds including, but  
46 not limited to, bomb threats and active shooter situations. The drill  
47 guide and training materials shall incorporate information on the

1 unique needs of students with disabilities and include standard  
2 protocols and procedures for accommodating those students during  
3 fire <sup>1</sup>[or] drills,<sup>1</sup> school security drills <sup>1</sup>[and] , or<sup>1</sup> actual  
4 emergency situations.

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

8 <sup>2</sup>c. As used in this section, “receiving school” means an  
9 educational services commission, jointure commission, regional day  
10 school, county special services school district, the Marie H.  
11 Katzenbach School for the Deaf, approved private school for  
12 students with disabilities, and public college operated programs for  
13 students with disabilities.<sup>2</sup>

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

15

16 4. (New section) a. A school district<sup>2</sup>, receiving school,<sup>2</sup> and a  
17 nonpublic school shall ensure that a <sup>2</sup>[student’s individualized  
18 education program, individualized health care plan, 504 plan, or, in the  
19 case of student with a disability enrolled in a nonpublic school, service  
20 plan documents the]<sup>2</sup> student’s unique mobility, sensory, medical,  
21 social, communication, emotional, regulatory, and decision-making  
22 needs in the event of a fire <sup>1</sup>[or] drill,<sup>1</sup> school security drill <sup>1</sup>,<sup>1</sup> or an  
23 actual emergency situation that may occur on school grounds <sup>2</sup>is  
24 maintained in the student record<sup>2</sup>. The <sup>3</sup>[individualized education  
25 program, individualized health care plan, 504 plan, or service plan]  
26 documentation maintained in the student record<sup>3</sup> shall indicate  
27 whether or not the student is able to safely and fully participate in fire  
28 <sup>1</sup>drills<sup>1</sup> or school security drills without the use of supplementary  
29 supports, modifications, accommodations, or services <sup>3</sup>, or if any  
30 accommodations are needed, including determining areas of refuge  
31 during an emergency<sup>3</sup>.

32 b. If it is determined that a student requires supplementary  
33 supports, modifications, accommodations, or services in order to  
34 safely and fully participate in a fire <sup>1</sup>drill<sup>1</sup> or school security drill, a  
35 written plan shall be <sup>2</sup>[included in the student’s individualized  
36 education program, individualized health care plan, 504 plan, or  
37 service plan] maintained in the student record<sup>2</sup>. The written plan  
38 shall:

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

43 (2) describe the supports, modifications, accommodations, and  
44 services to be provided to the student during a fire <sup>1</sup>drill<sup>1</sup> or school  
45 security drill and during an actual emergency situation; and

1 (3) describe the role of school employees in supporting the student  
2 during a fire <sup>1</sup>drill<sup>1</sup> or school security drill and during an actual  
3 emergency situation, including the need for any specific training of  
4 school employees.

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

9  
10 5. (New section) In developing its districtwide school safety  
11 and security plan, a school district <sup>2</sup>and receiving school<sup>2</sup> shall:

12 a. demonstrate that it has considered the individual needs of  
13 each student with a disability, as enumerated in the students'  
14 individualized education programs, individualized health care plans,  
15 504 plans, or, in the case of students with disabilities enrolled in  
16 nonpublic schools, service plans pursuant to section 4 of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill);  
18 and

19 b. incorporate <sup>2</sup>protocols into the districtwide school safety and  
20 security plan for communicating<sup>2</sup> the individual needs of each  
21 student with a disability <sup>2</sup>[into the districtwide school safety and  
22 security plan and, as deemed appropriate and necessary,  
23 communicate those needs] , when appropriate and in compliance  
24 with the "Family Educational Rights and Privacy Act of 1974," (20  
25 U.S.C. s. 1232g),<sup>2</sup> to third parties including, but not limited to,  
26 <sup>2</sup>[law enforcement agencies, health and social services provider  
27 agencies,] first responders<sup>2</sup> and emergency management agencies.

28 <sup>2</sup>c. As used in this section, "receiving school" means an  
29 educational services commission, jointure commission, regional day  
30 school, county special services school district, the Marie H.  
31 Katzenbach School for the Deaf, approved private school for  
32 students with disabilities, and public college operated programs for  
33 students with disabilities.<sup>2</sup>

34  
35 6. This act shall take effect <sup>2</sup>[on] in<sup>2</sup> the first <sup>2</sup>[day of the  
36 sixth month] full school year<sup>2</sup> following the date of enactment.