

[Second Reprint]

**SENATE, No. 2057**

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

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INTRODUCED MARCH 3, 2022

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

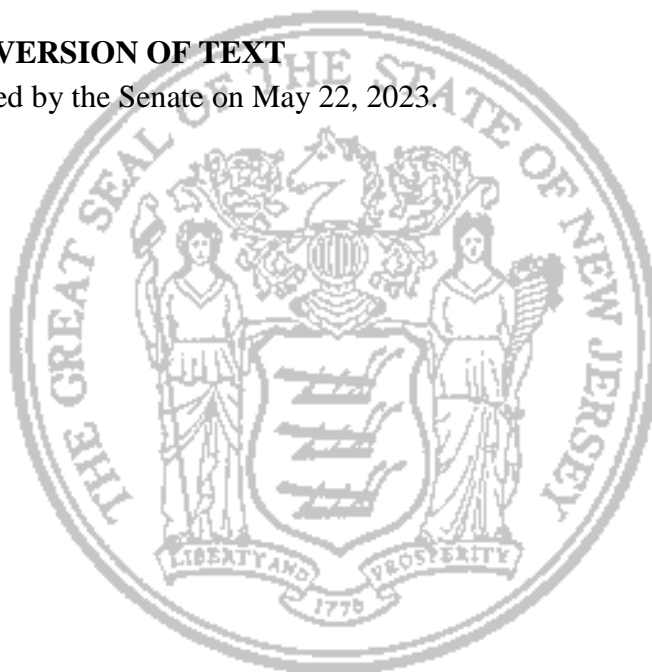
**Senators A.M.Bucco, Ruiz, Singleton and Codey**

**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 Senate on May 22, 2023.



**(Sponsorship Updated As Of: 3/30/2023)**

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  
 10 of a school of one room, when located above the first story of a  
 11 building, shall have at least one fire drill and one school security  
 12 drill each month within the school hours, including any summer  
 13 months during which the school is open for instructional programs  
 14 <sup>2</sup>[, and shall require all teachers of all schools] . Employees of the  
 15 school district or receiving school<sup>2</sup>, whether occupying buildings of  
 16 one or more stories, <sup>2</sup>[to] shall<sup>2</sup> keep all <sup>2</sup>exterior<sup>2</sup> doors and exits  
 17 <sup>2</sup>[of their respective rooms and buildings unlocked during the  
 18 school hours, except] locked at all times except when necessary to  
 19 comply with the requirements set forth in the Uniform Fire Code,  
 20 including applicable requirements<sup>2</sup> during an emergency lockdown  
 21 or 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  
 24 of 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  
 28 school security emergency that occurs at a school during the month  
 29 and that includes activities which are the equivalent of a drill shall  
 30 be considered a drill for the purposes of meeting the requirements  
 31 of this section.]<sup>2</sup>

32 A law enforcement officer shall be present at a minimum of one  
 33 school security drill in each school year in order to make  
 34 recommendations on any improvements or changes to school  
 35 security drill procedures that the officer may deem advisable.  
 36 (cf: P.L.2016, c.80, s.1)

37  
 38 <sup>1</sup>[2. Section 2 of P.L.2009, c.178 (C.18A:41-7) is amended to  
 39 read as follows:

40 2. A local board of education and chief school administrator of  
 41 a nonpublic school shall ensure that all full-time employees in the  
 42 district or nonpublic school are provided with training on school  
 43 safety and security that includes instruction on school security  
 44 drills. The training shall use the drill guide and training materials

**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>Senate SED committee amendments adopted December 1, 2022.

<sup>2</sup>Senate floor amendments adopted May 22, 2023.

1 prepared pursuant to section 3 of P.L.2009, c.178 (C.App.A:9-86)  
2 and shall utilize various formats such as drills, functional exercises,  
3 and tabletop exercises. The annual training provided to employees  
4 shall be conducted collaboratively by the district or nonpublic  
5 school and emergency responders, including law enforcement, fire,  
6 and emergency medical services personnel, in order to identify  
7 weaknesses in school safety and security policies and procedures  
8 and to increase the effectiveness of emergency responders. The  
9 training shall incorporate information on the unique needs of  
10 students with disabilities. Employees shall be made aware of any  
11 anticipated mobility, sensory, medical, social, communication,  
12 emotional, regulatory, and decision-making support needs of  
13 students and any supports, modifications, accommodations, and  
14 services to be provided to students, as enumerated in their  
15 individualized education programs, individualized health care plans,  
16 504 plans, or service plans pursuant to section 4 of P.L. , c. (C.)  
17 (pending before the Legislature as this bill).  
18 (cf: P.L.2016, c.80, s.3)】<sup>1</sup>

19  
20 <sup>12.</sup> Section 2 of P.L.2009, c.178 (C.18A:41-7) is amended to  
21 read as follows:

22 2. a. A local board of education <sup>2</sup>, chief school administrator  
23 of a receiving school,<sup>2</sup> and chief school administrator of a  
24 nonpublic school shall ensure that all full-time employees in the  
25 district <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school are provided with  
26 training on school safety and security that includes instruction on  
27 school security drills. The training shall use the drill guide and  
28 training materials prepared pursuant to section 3 of P.L.2009, c.178  
29 (C.App.A:9-86) and shall utilize various formats such as drills,  
30 functional exercises, and tabletop exercises. The annual training  
31 provided to employees shall be conducted collaboratively by the  
32 district <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school and emergency  
33 responders, including law enforcement, fire, and emergency  
34 medical services personnel, in order to identify weaknesses in  
35 school safety and security policies and procedures and to increase  
36 the effectiveness of emergency responders.

37 b. A local board of education <sup>2</sup>, chief school administrator of a  
38 receiving school,<sup>2</sup> and chief school administrator of a nonpublic  
39 school shall ensure that individuals employed in the school district  
40 <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school in a substitute capacity are  
41 provided with information and training on the district's <sup>2</sup>, receiving  
42 school's,<sup>2</sup> or nonpublic school's practices and procedures on school  
43 safety and security including instruction on school security drills,  
44 evacuation procedures, and emergency response protocols in the  
45 school district <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school and the  
46 school building where the individuals are employed. In the event  
47 that an individual is employed in a substitute capacity in the district

1 <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school at the time the school  
2 safety and security training is being provided to full-time  
3 employees pursuant to subsection a. of this section, the district <sup>2</sup>,  
4 receiving school,<sup>2</sup> or nonpublic school shall include the individual  
5 in the training.

6 c. A local board of education <sup>2</sup>, chief school administrator of a  
7 receiving school,<sup>2</sup> and chief school administrator of a nonpublic  
8 school shall provide <sup>2</sup>, to the extent permitted by federal law,<sup>2</sup> to all  
9 persons who supervise youth programs that are not sponsored by the  
10 school district <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school, but operate  
11 a program in a district <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school  
12 building before or after school hours, on the weekend, or during a  
13 period when school is not in session, information on school district  
14 <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school practices and procedures  
15 in the event of a school safety or security incident at a school  
16 including non-confidential information on evacuation procedures,  
17 emergency response protocols, and emergency contact information.  
18 <sup>2</sup>The information provided to persons who supervise youth  
19 programs pursuant to the provisions of this subsection shall not  
20 include student records.<sup>2</sup> It shall be the responsibility of the  
21 organization that sponsors the youth program to train the program's  
22 employees and volunteers on the school security and emergency  
23 procedures in effect in the school building in which the youth  
24 program is located. The organization that sponsors the youth  
25 program shall file a statement of assurance with the school district  
26 superintendent <sup>2</sup>, chief school administrator of the receiving  
27 school,<sup>2</sup> or chief school administrator of the nonpublic school that it  
28 has complied with the training requirements prior to the district <sup>2</sup>,  
29 receiving school,<sup>2</sup> or nonpublic school authorizing the use of the  
30 school building. The statement of assurance shall be developed by  
31 the Commissioner of Education and shall be filed with the school  
32 district <sup>2</sup>, receiving school,<sup>2</sup> or nonpublic school on an annual basis.

33 d. Any information or training provided pursuant to this section  
34 shall address the unique needs of students with disabilities in the  
35 event of a fire drill, school security drill, or actual emergency  
36 situation. An employee subject to the provisions of subsections a. or  
37 b. of this section shall be made aware of any anticipated mobility,  
38 sensory, medical, social, communication, emotional, regulatory, and  
39 decision-making support needs of students in the care of the  
40 employee and any supports, modifications, accommodations, and  
41 services to be provided to students, as enumerated in their  
42 individualized education programs, individualized health care plans,  
43 504 plans, or service plans pursuant to section 4 of P.L. \_\_\_\_\_,

44 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).<sup>1</sup>

45 <sup>2</sup>e. As used in this section, "receiving school" means an  
46 educational services commission, jointure commission, regional day

1 school, county special services school district, the Marie H.  
2 Katzenbach School for the Deaf, approved private school for  
3 students with disabilities, and public college operated programs for  
4 students with disabilities.<sup>2</sup>

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

6  
7 3. Section 3 of P.L.2009, c.178 (C.App.A:9-86) is amended to  
8 read as follows:

9 3. a. The <sup>2</sup>**Director of the Office of Homeland Security and**  
10 **Preparedness** Commissioner of Education<sup>2</sup> shall, in consultation  
11 with the <sup>2</sup>**Commissioner of Education** Director of the Office of  
12 Homeland Security and Preparedness<sup>2</sup>, the Director of the Division  
13 of Fire Safety in the Department of Community Affairs, the  
14 Director of the State Office of Emergency Management in the  
15 Division of State Police in the Department of Law and Public  
16 Safety, and the Attorney General, develop and disseminate to each  
17 school district <sup>2</sup>, receiving school,<sup>2</sup> and nonpublic school a building  
18 security drill guide and training materials that educate school  
19 employees on proper evacuation and lockdown procedures in a  
20 variety of emergency situations on school grounds including, but  
21 not limited to, bomb threats and active shooter situations. The drill  
22 guide and training materials shall incorporate information on the  
23 unique needs of students with disabilities and include standard  
24 protocols and procedures for accommodating those students during  
25 fire <sup>1</sup>**[or]** drills,<sup>1</sup> school security drills <sup>1</sup>**[and]** , or<sup>1</sup> actual  
26 emergency situations.

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

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

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

37  
38 4. (New section) a. A school district <sup>2</sup>, receiving school,<sup>2</sup> and  
39 a nonpublic school shall ensure that a <sup>2</sup>**[student’s individualized**  
40 **education program, individualized health care plan, 504 plan, or, in**  
41 **the case of student with a disability enrolled in a nonpublic school,**  
42 **service plan documents the]**<sup>2</sup> student’s unique mobility, sensory,  
43 medical, social, communication, emotional, regulatory, and  
44 decision-making needs in the event of a fire <sup>1</sup>**[or]** drill,<sup>1</sup> school  
45 security drill <sup>1</sup>,<sup>1</sup> or an actual emergency situation that may occur on  
46 school grounds <sup>2</sup>is maintained in the student record<sup>2</sup>. The

<sup>2</sup>[individualized education program, individualized health care plan, 504 plan, or service plan] documentation maintained in the student record<sup>2</sup> shall indicate whether or not the student is able to safely and fully participate in fire <sup>1</sup>drills<sup>1</sup> or school security drills without the use of supplementary supports, modifications, accommodations, or services <sup>2</sup>, or if any accommodations are needed, including determining areas of refuge during an emergency<sup>2</sup>.

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 <sup>1</sup>drill<sup>1</sup> or school security drill, a written plan shall be <sup>2</sup>[included in the student's individualized education program, individualized health care plan, 504 plan, or service plan] maintained in the student record<sup>2</sup>. 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 <sup>1</sup>drill<sup>1</sup> 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 <sup>1</sup>drill<sup>1</sup> 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 <sup>1</sup>drill<sup>1</sup> 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 <sup>2</sup>and receiving school<sup>2</sup> 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 <sup>2</sup>protocols into districtwide school safety and security plan for communicating<sup>2</sup> the individual needs of each student with a disability <sup>2</sup>[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),<sup>2</sup> to third parties including, but not limited to,

1     <sup>2</sup>law enforcement agencies, health and social services provider  
2     agencies,] first responders<sup>2</sup> and emergency management agencies.

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

9  
10     6. This act shall take effect <sup>2</sup>[on] in<sup>2</sup> the first <sup>2</sup>[day of the  
11     sixth month] full school year<sup>2</sup> following the date of enactment.