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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 June 20, 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 ²[, and shall
14 require all teachers of all schools] . Employees of the school district
15 or receiving school², whether occupying buildings of one or more
16 stories, ²[to] shall² keep all ²exterior² doors and exits ²[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 Uniform Fire Code, including applicable
20 requirements² during an emergency lockdown or an emergency
21 lockdown drill. All students² and staff² shall fully participate in each
22 drill conducted² to the greatest extent practicable and, when
23 appropriate, utilize procedures for assisting in the rescue of persons
24 unable to use the general means of egress to ensure that participation
25 does not pose a safety risk². Where school buildings have been
26 provided with fire escapes, they shall be used by a part or all of the
27 pupils performing every fire drill. ²[An actual fire or school security
28 emergency that occurs at a school during the month and that includes
29 activities which are the equivalent of a drill shall be considered a drill
30 for the purposes of meeting the requirements of this section.]² ³An
31 actual school security emergency that occurs at a school during the
32 month that includes activities which are the equivalent of a drill shall
33 be considered a school security drill for the purposes of meeting the
34 requirements of this section.³

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

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:

¹Senate SED committee amendments adopted December 1, 2022.

²Senate floor amendments adopted May 22, 2023.

³Senate floor amendments adopted June 20, 2023.

1 2. A local board of education and chief school administrator of
2 a nonpublic school shall ensure that all full-time employees in the
3 district or nonpublic school are provided with training on school
4 safety and security that includes instruction on school security
5 drills. The training shall use the drill guide and training materials
6 prepared pursuant to section 3 of P.L.2009, c.178 (C.App.A:9-86)
7 and shall utilize various formats such as drills, functional exercises,
8 and tabletop exercises. The annual training provided to employees
9 shall be conducted collaboratively by the district or nonpublic
10 school and emergency responders, including law enforcement, fire,
11 and emergency medical services personnel, in order to identify
12 weaknesses in school safety and security policies and procedures
13 and to increase the effectiveness of emergency responders. The
14 training shall incorporate information on the unique needs of
15 students with disabilities. Employees shall be made aware of any
16 anticipated mobility, sensory, medical, social, communication,
17 emotional, regulatory, and decision-making support needs of
18 students and any supports, modifications, accommodations, and
19 services to be provided to students, as enumerated in their
20 individualized education programs, individualized health care plans,
21 504 plans, or service plans pursuant to section 4 of P.L. , c. (C.)
22 (pending before the Legislature as this bill).
23 (cf: P.L.2016, c.80, s.3)]¹
24

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

27 2. a. A local board of education ², chief school administrator of a
28 receiving school,² and chief school administrator of a nonpublic school
29 shall ensure that all full-time employees in the district ², receiving
30 school,² or nonpublic school are provided with training on school
31 safety and security that includes instruction on school security drills.
32 The training shall ³model the training provided by the New Jersey
33 School Safety Specialist Academy established pursuant to section 1 of
34 P.L.2017, c.162 (C.18A:17-43.2),³ use the drill guide and training
35 materials prepared pursuant to section 3 of P.L.2009, c.178
36 (C.App.A:9-86) ³,³ and ³**[shall]**³ utilize various formats such as drills,
37 functional exercises, and tabletop exercises. The annual training
38 provided to employees shall be conducted ³**[collaboratively]**³ by the
39 district ², receiving school,² or nonpublic school ³**[and]** in
40 consultation with³ emergency responders, including law enforcement,
41 fire, and emergency medical services personnel, in order to identify
42 weaknesses in school safety and security policies and procedures and
43 to increase the effectiveness of emergency responders.

44 b. A local board of education ², chief school administrator of a
45 receiving school,² and chief school administrator of a nonpublic school
46 shall ensure that individuals employed in the school district ²,

1 receiving school,² or nonpublic school in a substitute capacity are
2 provided with information and training on the district's ², receiving
3 school's,² or nonpublic school's practices and procedures on school
4 safety and security including instruction on school security drills,
5 evacuation procedures, and emergency response protocols in the
6 school district ², receiving school,² or nonpublic school and the school
7 building where the individuals are employed. In the event that an
8 individual is employed in a substitute capacity in the district ²,
9 receiving school,² or nonpublic school at the time the school safety
10 and security training is being provided to full-time employees pursuant
11 to subsection a. of this section, the district ², receiving school,² or
12 nonpublic school shall include the individual in the training.

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

39 d. Any information or training provided pursuant to this section
40 shall address the unique needs of students with disabilities in the event
41 of a fire drill, school security drill, or actual emergency situation. An
42 employee subject to the provisions of subsections a. or b. of this
43 section shall be made aware of any anticipated mobility, sensory,
44 medical, social, communication, emotional, regulatory, and decision-
45 making support needs of students in the care of the employee and any
46 supports, modifications, accommodations, and services to be provided

1 to students, as enumerated in their individualized education programs,
2 individualized health care plans, 504 plans, or service plans pursuant
3 to section 4 of P.L. , c. (C.) (pending before the Legislature as
4 this bill).¹

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

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

12
13 3. Section 3 of P.L.2009, c.178 (C.App.A:9-86) is amended to
14 read as follows:

15 3. a. The ²**[**Director of the Office of Homeland Security and
16 Preparedness**]** Commissioner of Education² shall, in consultation
17 with the ²**[**Commissioner of Education**]** Director of the Office of
18 Homeland Security and Preparedness², the Director of the Division
19 of Fire Safety in the Department of Community Affairs, the
20 Director of the State Office of Emergency Management in the
21 Division of State Police in the Department of Law and Public
22 Safety, and the Attorney General, develop and disseminate to each
23 school district ², receiving school,² and nonpublic school a building
24 security drill guide and training materials that educate school
25 employees on proper evacuation and lockdown procedures in a
26 variety of emergency situations on school grounds including, but
27 not limited to, bomb threats and active shooter situations. The drill
28 guide and training materials shall incorporate information on the
29 unique needs of students with disabilities and include standard
30 protocols and procedures for accommodating those students during
31 fire ¹**[or]** drills,¹ school security drills ¹**[and]** , or¹ actual
32 emergency situations.

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

36 ²c. As used in this section, “receiving school” means an
37 educational services commission, jointure commission, regional day
38 school, county special services school district, the Marie H.
39 Katzenbach School for the Deaf, approved private school for
40 students with disabilities, and public college operated programs for
41 students with disabilities.²

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

43
44 4. (New section) a. A school district ², receiving school,² and
45 a nonpublic school shall ensure that a ²**[**student’s individualized
46 education program, individualized health care plan, 504 plan, or, in
47 the case of student with a disability enrolled in a nonpublic school,

1 service plan documents the² student's unique mobility, sensory,
2 medical, social, communication, emotional, regulatory, and
3 decision-making needs in the event of a fire ¹[or] drill,¹ school
4 security drill ¹,¹ or an actual emergency situation that may occur on
5 school grounds ²is maintained in the student record². The
6 ²[individualized education program, individualized health care
7 plan, 504 plan, or service plan] documentation maintained in the
8 student record² shall indicate whether or not the student is able to
9 safely and fully participate in fire ¹drills¹ or school security drills
10 without the use of supplementary supports, modifications,
11 accommodations, or services ², or if any accommodations are
12 needed, including determining areas of refuge during an
13 emergency².

14 b. If it is determined that a student requires supplementary
15 supports, modifications, accommodations, or services in order to
16 safely and fully participate in a fire ¹drill¹ or school security drill, a
17 written plan shall be ²[included in the student's individualized
18 education program, individualized health care plan, 504 plan, or
19 service plan] maintained in the student record². The written plan
20 shall:

21 (1) describe the anticipated mobility, sensory, medical, social,
22 communication, emotional, regulatory, and decision-making
23 support needs of the student during a fire ¹drill¹ or school security
24 drill and during an actual emergency situation;

25 (2) describe the supports, modifications, accommodations, and
26 services to be provided to the student during a fire ¹drill¹ or school
27 security drill and during an actual emergency situation; and

28 (3) describe the role of school employees in supporting the
29 student during a fire ¹drill¹ or school security drill and during an
30 actual emergency situation, including the need for any specific
31 training of school employees.

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

36
37 5. (New section) In developing its districtwide school safety
38 and security plan, a school district ²and receiving school² shall:

39 a. demonstrate that it has considered the individual needs of
40 each student with a disability, as enumerated in the students'
41 individualized education programs, individualized health care plans,
42 504 plans, or, in the case of students with disabilities enrolled in
43 nonpublic schools, service plans pursuant to section 4 of P.L. ,
44 c. (C.) (pending before the Legislature as this bill); and

45 b. incorporate ²protocols into districtwide school safety and
46 security plan for communicating² the individual needs of each

1 student with a disability ²[into the districtwide school safety and
2 security plan and, as deemed appropriate and necessary,
3 communicate those needs] , when appropriate and in compliance
4 with the “Family Educational Rights and Privacy Act of 1974,” (20
5 U.S.C. s. 1232g).² to third parties including, but not limited to,
6 ²[law enforcement agencies, health and social services provider
7 agencies,] first responders² and emergency management agencies.

8 ²c. 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.²

14
15 6. This act shall take effect ²[on] in² the first ²[day of the
16 sixth month] full school year² following the date of enactment.