CHAPTER 212

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

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:

Fire, school security drills.

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. Employees of the school district or receiving school, whether occupying buildings of one or more stories, shall keep all exterior doors and exits locked at all times except when necessary to comply with the requirements set forth in the Uniform Fire Code, including applicable requirements during an emergency lockdown or an emergency lockdown drill. All students and staff shall fully participate in each drill conducted 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. 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 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.

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:

C.18A:41-7 Provision of training on school safety, security.

2. a. A local board of education, chief school administrator of a receiving school, and chief school administrator of a nonpublic school 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 utilize various formats such as drills, functional exercises, and tabletop exercises. The annual training provided to employees shall be conducted by the district, receiving school, or nonpublic school 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.2023, c.212 (C.18A:46-2.15).

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.

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

C.App.A:9-86 Development, dissemination of building security drill guide, training materials.

3. a. The Commissioner of Education shall, in consultation with the 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 drills, 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. Katzenback School for the Deaf, approved private school for students with disabilities, and public college-operated programs for students with disabilities.

C.18A:46-2.15 Unique needs, students, documentation maintained in student records, safe participation in school fire, security drills; written plan, accommodations.

4. a. A school district, receiving school, and a nonpublic school shall ensure that a student's unique mobility, sensory, medical, social, communication, emotional, regulatory, and decision-making needs in the event of a fire drill, 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 drill or school security drill, a written plan shall be 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 drill 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 drill 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.

C.18A:41-15 Districtwide school safety, security plan, consideration of individualized programs, plans, students with disabilities; communicating needs to third parties.

5. 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.2023, c.212 (C.18A:46-2.15); and

b. incorporate protocols into the districtwide school safety and security plan for communicating the individual needs of each student with a disability, 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, 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 in the first full school year following the date of enactment.

Approved January 8, 2024.