

ASSEMBLY, No. 1069

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 27 (Essex and Morris)

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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

Introduced Pending Technical Review by Legislative Counsel.



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 and shall require all teachers of all schools, whether occupying
15 buildings of one or more stories, to keep all doors and exits of their
16 respective rooms and buildings unlocked during the school hours,
17 except during an emergency lockdown or an emergency lockdown
18 drill. All students shall fully participate in each drill conducted.
19 Where school buildings have been provided with fire escapes, they
20 shall be used by a part or all of the pupils performing every fire
21 drill. An actual fire or school security emergency that occurs at a
22 school during the month and that includes activities which are the
23 equivalent of a drill shall be considered a drill for the purposes of
24 meeting the requirements of this section.

25 A law enforcement officer shall be present at a minimum of one
26 school security drill in each school year in order to make
27 recommendations on any improvements or changes to school
28 security drill procedures that the officer may deem advisable.
29 (cf: P.L.2016, c.80, s.1)
30

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

33 2. A local board of education and chief school administrator of
34 a nonpublic school shall ensure that all full-time employees in the
35 district or nonpublic school are provided with training on school
36 safety and security that includes instruction on school security
37 drills. The training shall use the drill guide and training materials
38 prepared pursuant to section 3 of P.L.2009, c.178 (C.App.A:9-86)
39 and shall utilize various formats such as drills, functional exercises,
40 and tabletop exercises. The annual training provided to employees
41 shall be conducted collaboratively by the district or nonpublic
42 school and emergency responders, including law enforcement, fire,
43 and emergency medical services personnel, in order to identify
44 weaknesses in school safety and security policies and procedures
45 and to increase the effectiveness of emergency responders. The

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.

1 training shall incorporate information on the unique needs of
2 students with disabilities. Employees shall be made aware of any
3 anticipated mobility, sensory, medical, social, communication,
4 emotional, regulatory, and decision-making support needs of
5 students and any supports, modifications, accommodations, and
6 services to be provided to students, as enumerated in their
7 individualized education programs, individualized health care plans,
8 504 plans, or service plans pursuant to section 4 of P.L. , c. (C.)
9 (pending before the Legislature as this bill).
10 (cf: P.L.2016, c.80, s.3)
11

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

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

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

33 (cf: P.L.2009, c.178, s.3)
34

35 4. (New section) a. A school district and a nonpublic school
36 shall ensure that a student's individualized education program,
37 individualized health care plan, 504 plan, or, in the case of student
38 with a disability enrolled in a nonpublic school, service plan
39 documents the student's unique mobility, sensory, medical, social,
40 communication, emotional, regulatory, and decision-making needs
41 in the event of a fire or school security drill or an actual emergency
42 situation that may occur on school grounds. The individualized
43 education program, individualized health care plan, 504 plan, or
44 service plan shall indicate whether or not the student is able to
45 safely and fully participate in fire or school security drills without
46 the use of supplementary supports, modifications, accommodations,
47 or services.

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. 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 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 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 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 to third parties including, but not limited to, law enforcement agencies, health and social services provider agencies, and emergency management agencies.

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

STATEMENT

Under current State law, schools are required to conduct one fire drill and one school security drill each month. All full-time employees in a school district and nonpublic school are required to undergo training on school safety and security, including instruction on school security drills. This training is required to use as

1 guidance a drill guide and other training materials developed by the
2 Director of the Office of Homeland Security and Preparedness, in
3 consultation with a variety of other State government leaders.
4 Under current State regulations, each school district is required to
5 develop and implement a school safety and security plan. Current
6 State law and regulation does not explicitly require school districts
7 or nonpublic schools to discuss, document, and plan for the unique
8 needs of students with disabilities during fire or school security
9 drills and actual emergency situations.

10 This bill provides that all students will fully participate in each
11 fire or school security drill conducted by a school district or
12 nonpublic school. It requires that current staff training for school
13 security include information on the unique needs of students with
14 disabilities. The current drill guide and training materials that
15 school districts and nonpublic schools use as guidance in their staff
16 training would incorporate information on the needs of students
17 with disabilities and include standard protocols and procedures for
18 accommodating those students during drills and emergency
19 situations.

20 This bill would require that, as part of the existing processes for
21 developing individualized education programs, individualized
22 health care plans, 504 plans, or service plans for students with
23 disabilities enrolled in nonpublic schools, a student's unique needs
24 in the event of a fire or school security drill or an actual emergency
25 situation be documented. If it is determined that a student would
26 require supplementary supports, modifications, accommodations, or
27 services in order to safely and fully participate in a fire or school
28 security drill, a written plan will be included in a student's
29 individualized education program, individualized health care plan,
30 504 plan, or service plan. The written plan will: 1) describe the
31 needs of the student during a fire or school security drill and during
32 an actual emergency situation; 2) describe the supports,
33 modifications, accommodations, and services to be provided to the
34 student during a fire or school security drill and during an actual
35 emergency situation; and 3) describe the role of school employees
36 in supporting the student during a fire or school security drill and
37 during an actual emergency situation, including the need for any
38 specific training of school employees.

39 The bill also requires that, in developing its districtwide school
40 safety and security plan, a school district will demonstrate that it
41 has considered and will incorporate the individual needs of each
42 student with a disability into the districtwide school safety and
43 security plan.