

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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PRINCIPAL CLERK

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SENATE BILL DRS45455-NHa-174

Short Title: Increased Security - Nonpublics & Day Cares. (Public)

Sponsors: Senators Batch, Grafstein, and Chaudhuri (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE SAFETY IN NONPUBLIC SCHOOLS BY REQUIRING SECURITY  
3 DRILLS; TO ENHANCE SAFETY IN DAY CARE CENTERS BY REQUIRING  
4 SECURITY DRILLS; TO ENHANCE SAFETY IN ADULT DAY CARE AND ADULT  
5 DAY HEALTH PROGRAMS BY REQUIRING THE DEVELOPMENT AND  
6 IMPLEMENTATION OF EMERGENCY LOCKDOWN PROCEDURES; AND  
7 APPROPRIATING FUNDS TO SUPPORT IMPLEMENTATION AND ENFORCEMENT  
8 OF THESE REQUIREMENTS.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.(a)** Subsection (b) of G.S. 115C-551 is recodified as G.S. 115C-550.5  
11 and reads as rewritten:

12 "**§ 115C-550.5 School risk management plans.**

13 (a) All private church schools and all schools of religious charter ~~are encouraged to~~ shall  
14 do the following:

- 15 (1) School Risk Management Plan. – In coordination with local law enforcement  
16 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents  
17 of school violence. In constructing and maintaining these plans, the school  
18 may utilize the School Risk and Response Management System (SRRMS)  
19 established pursuant to G.S. 115C-105.49A. These plans are not considered a  
20 public record as the term "public record" is defined under G.S. 132-1 and shall  
21 not be subject to inspection and examination under G.S. 132-6.
- 22 (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and  
23 keys to the main entrance of school facilities to local law enforcement  
24 agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- 25 (3) School safety exercises. – At least once a year, hold a full school-wide  
26 lockdown exercise with local law enforcement and emergency management  
27 agencies that are part of the private school's SRMP.
- 28 (4) Safety information provided to the Department of Public Safety, Division of  
29 Emergency Management. – Provide the following: (i) schematic diagrams,  
30 including digital schematic diagrams, and (ii) emergency response  
31 information requested by the Division for the SRMP. The schematic diagrams  
32 and emergency response information are not considered public records as the  
33 term "public record" is defined under G.S. 132-1 and shall not be subject to  
34 inspection and examination under G.S. 132-6."

35 **SECTION 1.(b)** Subsection (b) of G.S. 115C-559 is recodified as G.S. 115C-558.5  
36 and reads as rewritten:



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1 **"§ 115C-558.5 School risk management plans.**

2 (a) All qualified nonpublic schools ~~are encouraged to~~ shall do the following:

- 3 (1) School Risk Management Plan. – In coordination with local law enforcement  
4 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents  
5 of school violence. In constructing and maintaining these plans, the school  
6 may utilize the School Risk and Response Management System (SRRMS)  
7 established pursuant to G.S. 115C-105.49A. These plans are not considered a  
8 public record as the term "public record" is defined under G.S. 132-1 and shall  
9 not be subject to inspection and examination under G.S. 132-6.
- 10 (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and  
11 keys to the main entrance of school facilities to local law enforcement  
12 agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- 13 (3) School safety exercises. – At least once a year, hold a full school-wide  
14 lockdown exercise with local law enforcement and emergency management  
15 agencies that are part of the qualified nonpublic school's SRMP.
- 16 (4) Safety information provided to the Department of Public Safety, Division of  
17 Emergency Management. – Provide the following: (i) schematic diagrams,  
18 including digital schematic diagrams, and (ii) emergency response  
19 information requested by the Division for the SRMP. The schematic diagrams  
20 and emergency response information are not considered public records as the  
21 term "public record" is defined under G.S. 132-1 and shall not be subject to  
22 inspection and examination under G.S. 132-6."

23 **SECTION 2.** Article 7 of Chapter 110 of the General Statutes is amended by adding  
24 a new section to read:

25 **"§ 110-111. Emergency preparedness.**

26 (a) Each child care facility licensed under this Article shall develop an Emergency  
27 Preparedness Plan in accordance with rules adopted by the Department for those plans.

28 (b) As part of the Emergency Preparedness Plan, each child care facility shall hold a full  
29 facility-wide lockdown exercise with local law enforcement at least once a year."

30 **SECTION 3.** Part 2 of Article 1 of Chapter 131D of the General Statutes is amended  
31 by adding a new section to read:

32 **"§ 131D-6.2. Lockdown requirements for adult day care and adult day health programs;**  
33 **rules; penalties for noncompliance.**

34 (a) Findings and Purpose. – The General Assembly finds that ensuring the safety of adult  
35 day care and adult day health program settings is of utmost importance. The purpose of this  
36 section is to establish requirements for adult day care and adult day health programs to develop  
37 and implement lockdown procedures and conduct periodic lockdown drills to ensure  
38 preparedness for an emergency situation.

39 (b) Definitions. – As used in this section, the term "lockdown" means an emergency  
40 safety procedure in which occupants of a facility in which an adult day care or adult day health  
41 program operates remain in a locked indoor space upon notification by local law enforcement,  
42 emergency personnel, or another relevant authority that a dangerous person is in the vicinity of  
43 the facility.

44 (c) Lockdown Requirements; Rules. – Each adult day care and adult day health program  
45 certified under G.S. 131D-6 or G.S. 131D-6.1 shall develop and implement a lockdown protocol  
46 to ensure preparedness to protect the safety of program participants, their families, and program  
47 staff. The Social Services Commission shall adopt rules to implement this requirement, which  
48 shall contain at least all of the following:

- 49 (1) A description of the situations and notifications that require lockdown and  
50 when a required lockdown may be terminated.
- 51 (2) A requirement to conduct periodic lockdown drills at least once annually.

1           (3)    A requirement to submit, in the format prescribed by the Department, a report  
2                   of all lockdown activities conducted during the preceding calendar year.

3           (d)    Penalties for Noncompliance. – The Department of Health and Human Services may,  
4 in its discretion, impose a civil penalty not to exceed one thousand dollars (\$1,000) against an  
5 adult day care or adult day health program that violates any provision of this section or any rule  
6 adopted by the Social Services Commission pursuant to this section. Each day of a continuing  
7 violation constitutes a separate violation. In determining the amount of the civil penalty, the  
8 Secretary shall consider the degree and extent of the harm or potential harm caused by the  
9 violation. The clear proceeds of civil penalties imposed pursuant to this subsection shall be  
10 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

11          (e)    No Private Right of Action. – This section does not create or authorize a private right  
12 of action to enforce the provisions of this section."

13           **SECTION 4.(a)** There is appropriated from the General Fund to the Department of  
14 Administration the sum of one hundred thousand dollars (\$100,000) in recurring funds for the  
15 2024-2025 fiscal year to be allocated to the Division of Nonpublic Education for the Division to  
16 support implementation and enforcement of G.S. 115C-550.5 and G.S. 115C-558.5, as enacted  
17 by Section 1 of this act.

18           **SECTION 4.(b)** There is appropriated to the Department of Health and Human  
19 Services the sum of one hundred thousand dollars (\$100,000) in recurring funds to support  
20 implementation and enforcement of G.S. 131D-6.2, as enacted by Section 3 of this act.

21           **SECTION 5.** This act becomes effective July 1, 2024. Section 1 of this act applies  
22 beginning with the 2024-2025 school year.