

Amendment No. 1049

Assembly Amendment to Assembly Bill No. 218 First Reprint (BDR 34-666)

Proposed by: Assembly Committee on Ways and Means

Amendment Box: Replaces Amendment No. 999.

Amends: Summary: No Title: Yes Preamble: Add Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 218 R1 (§ 3).

| ASSEMBLY ACTION | | | | Initial and Date | SENATE ACTION | | | | Initial and Date |
|-----------------|--------------------------|------|--------------------------|------------------|---------------|--------------------------|------|--------------------------|------------------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double-strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/JWP



Date: 6/1/2015

A.B. No. 218—Revises provisions relating to emergencies in schools.
(BDR 34-666)



ASSEMBLY BILL NO. 218—ASSEMBLYMEN BENITEZ-THOMPSON, KIRKPATRICK, DIAZ, THOMPSON, ELLIOT ANDERSON; ARAUJO, BUSTAMANTE ADAMS, CARLTON, CARRILLO, JOINER, SPIEGEL AND SPRINKLE

MARCH 4, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to emergencies in schools. (BDR 34-666)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of a charter school to consult with certain persons and entities before constructing, expanding or remodeling buildings for schools or related facilities; requiring each school district in certain counties to appoint an emergency manager; requiring the Department of Education to conduct an annual conference regarding safety in public schools; requiring the Department , to the extent that money is available for the purpose, to ~~employ~~ make block grants to provide certain ~~licensed~~ mental ~~for behavioral~~ health ~~professionals and make them available to~~ workers in public schools; requiring the board of trustees of each school district and the governing body of a charter school to provide drills to instruct pupils concerning lockdown procedures; ~~requiring a licensed social worker who is employed or retained to provide services to pupils at a public school to provide certain services~~; requiring that a plan developed to respond to a crisis or an emergency prescribe certain procedures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the board of trustees of each school district and the governing body of each charter school to consult with an emergency manager, the chief of school police or his or her designee, or the Division of Emergency Management of the Department of Public Safety regarding safety in schools before constructing, expanding or remodeling buildings for schools or related facilities.

Section 2.5 of this bill defines a "school resource officer" as a deputy sheriff or other peace officer who interacts directly with pupils and provides information to pupils, families and educational personnel. **Section 3** of this bill requires each school district in a county

whose population is 100,000 or more (currently Clark and Washoe Counties) to designate an employee to serve as an emergency manager.

Existing law requires the board of trustees of each school district and the governing body of each charter school to establish a development committee to develop a plan to be used by each public school of the school district in responding to a crisis or an emergency. (NRS 392.616) **Section 7.5** of this bill requires each development committee to consult with an emergency manager, a school resource officer or the chief of school police of the school district, if such a person exists in the school district. **Section 7.5** also requires the plan to include procedures for: (1) effective communication and interoperability among law enforcement and other first responders; (2) securing a school in the event of a lockdown; and (3) assisting a person with a disability with moving to safety during an emergency or crisis.

Section 4 of this bill requires the Department of Education to coordinate with the Division of Emergency Management, any emergency manager, any chief of police of a school district that has police officers and any school resource officer to conduct an annual conference regarding safety in public schools. **Section 4** additionally requires the board of trustees of each school district and the governing body of each charter school to designate certain persons to attend this conference.

~~In section 4.5 of this bill, the Legislature finds that it is optimal to have a ratio of at least 1 licensed mental or behavioral health professional per 250 pupils. Section 5 of this bill requires the Department of Education to employ certain licensed~~ to the extent that money is available for the purpose, to: (1) develop and carry into effect a program of block grants; and (2) make and administer block grants to school districts and charter schools to provide for contract social workers and other mental ~~for behavioral~~ health professionals and make them available to provide services at public ~~workers in schools, if as necessary. Section 5 requires the State Board of Education to prescribe the duties of such mental or behavioral health professionals, and authorizes the State Board to require additional training for such persons.~~

~~Section 5 also requires a licensed social worker who is employed or retained to provide services to pupils at a public school to provide certain services to: (1) improve the mental health of pupils; (2) assess the~~ with identified needs, for certain pupils; and (3) provide a list of any resources that may be available in the community to assist a pupil.

Existing law requires the board of trustees of each school district and the governing body of each charter school to provide certain emergency drills for pupils at least once each month during the school year. Existing law also requires a public school located in a city or town that has a regularly organized, paid fire department or voluntary fire department to conduct such drills under the supervision of: (1) the person designated for this purpose by the board of trustees of the school district; and (2) the chief of the fire department of the city or town in which a school is located. (NRS 392.450) **Section 6** of this bill requires the board of trustees of each school district and the governing body of each charter school to provide drills for schools under their jurisdiction at least once each month during the school year to instruct pupils in the appropriate procedures to be followed in the event of a lockdown. **Section 6** requires at least one-half of these drills to include instruction in appropriate procedures to be followed in the event of a lockdown. **Section 6** also requires: (1) any public school located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to conduct the drills under the supervision of the person designated for that purpose by the board of trustees of the school district or the governing body of the charter school, as applicable; and (2) a public school located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to conduct such drills under the supervision of an emergency manager.

WHEREAS, The Legislature recognizes that it is of utmost importance that the public schools in this State are built and maintained in a manner which provides the greatest protection for pupils against harm; and

WHEREAS, Each school must be built and maintained to meet or exceed recommended safety standards and be designed to anticipate and protect against modern threats; and

WHEREAS, Academic achievement of pupils is adversely affected when the pupils do not feel safe from harm; and

WHEREAS, Acts of violence which occur at schools have devastating effects on pupils which may include depression, fear and inappropriate behavior; and

WHEREAS, Efforts must be taken to mitigate acts of violence at schools; and

WHEREAS, Social workers and other licensed mental health workers who are employed by schools help ensure the safety of pupils, prevent violent and other inappropriate actions by pupils and address the overall well-being of pupils by assessing the needs of pupils and providing pupils with necessary mental health services, counseling and other assistance; and

WHEREAS, The Legislature hereby finds and declares that it is optimal to have a ratio of at least 1 social worker or licensed health worker per 250 pupils; and

WHEREAS, Each school district must ensure that administrators, teachers and other staff are properly trained regarding the appropriate response to a crisis and crisis management, prevention of violence and emergency response planning so that all schools are prepared to respond appropriately to a crisis or emergency and to quickly mitigate any effects of such a crisis or emergency; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school shall consult with the ~~Division of Emergency Management of the Department of Public Safety~~ person described in subsection 2 or 3, as applicable, regarding safety in schools before:

~~1-1~~ (a) Designing, constructing or purchasing new buildings for schools or related facilities;

~~1-2~~ (b) Enlarging, remodeling or renovating existing buildings for schools or related facilities; and

~~1-3~~ (c) Acquiring sites for building schools or related facilities.

2. In a county whose population is 100,000 or more, the board of trustees of a school district or the governing body of a charter school that plans to take an action described in subsection 1 shall consult with the emergency manager designated pursuant to section 3 of this act or, if the school district has school police officers, the chief of school police of the school district or a person designated by him or her.

3. In a county whose population is less than 100,000, the board of trustees of a school district or the governing body of a charter school that plans to take an action described in subsection 1 shall consult with:

(a) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her or, if the school district has designated a full-time employee to serve as an emergency manager, the emergency manager; or

(b) If the county has not designated a full-time employee to serve as an emergency manager and does not have school police officers, the Division of Emergency Management of the Department of Public Safety.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.25 to 5, inclusive, of this act.

Sec. 2.25. *"Lockdown" means a circumstance in which the persons on school property are restricted to the interior of a school building and isolated from threats until the school property and surrounding vicinity are deemed to be secure by:*

1. *If the school district has school police officers, the chief of school police of a school district or a person designated by him or her; or*

2. *If the school district does not have school police officers, the school resource officer or a person designated by him or her or, if the school district does not have school resource officers, a local law enforcement agency.*

Sec. 2.5. *"School resource officer" means a deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.*

Sec. 3. *Each school district in a county whose population is 100,000 or more shall designate a full-time employee to serve as an emergency manager. As used in this section, "emergency manager" means a person whose job responsibilities are focused solely on the planning and coordination of available resources for the mitigation of, preparation and training for, response to and recovery from emergencies or crises.*

Sec. 4. 1. *The Department of Education shall, at least once each year, coordinate with the Division of Emergency Management of the Department of Public Safety, any emergency manager designated pursuant to section 3 of this act, any chief of police of a school district that has police officers and any school resource officer to conduct a conference regarding safety in public schools.*

2. *The board of trustees of each school district and the governing body of each charter school shall designate persons to attend the conference held pursuant to subsection 1. The persons so designated must include, without limitation:*

(a) *An administrator from the school district or charter school, as applicable;*

(b) *If the school district has school resource officers, a school resource officer or a person designated by him or her;*

(c) *If the school district has school police officers, the chief of school police of the school district or a person designated by him or her; and*

(d) *If the school district has an emergency manager designated pursuant to section 3 of this act, the emergency manager.*

3. *The conference conducted pursuant to subsection 1 may be attended by:*

(a) *A licensed teacher of a school or charter school;*

(b) *Educational support personnel employed by a school district or charter school;*

(c) *The parent or legal guardian of a pupil who is enrolled in a public school; and*

(d) *An employee of a local law enforcement agency.*

Sec. 4.5. ~~*The Legislature hereby finds and declares that it is optimal to have a ratio of at least 1 licensed social worker, school psychologist or other certified or licensed mental or behavioral health professional per 250 pupils.*~~
(Deleted by amendment.)

Sec. 5. ~~*1. That*~~ *To the extent that money is available for the purpose, the Department shall employ licensed ;*

1. Develop and carry into effect a program of block grants for the purposes described in subsection 2; and

2. Make and administer block grants to school districts and charter schools to provide for contract social workers, ~~school psychologists or~~ and other ~~certified or licensed~~ mental ~~for behavioral~~ health ~~professionals and make them available to provide services at public~~ workers in schools ~~in this State, as necessary.~~

2. If a licensed social worker is employed or retained to provide services to pupils at a public school, he or she shall, without limitation:

(a) Conduct mental health assessments of pupils;

(b) Make referrals of pupils to mental health professionals;

(c) Conduct home visits ~~with~~ families of pupils identified as having been involved in a behavioral incident on the premises of a public school, at an activity sponsored by a public school or on a school bus; and

(d) Assess the identified needs ~~of~~ pupils and provide a list of any resources that are available in the community to assist a pupil, including, without limitation, resources available at no charge or at a reduced cost.

3. The State Board shall adopt regulations governing the duties of social workers, school psychologists and other ~~certified or licensed mental or behavioral health professionals employed pursuant to subsection 1. The State Board may adopt regulations requiring the Department to provide additional training to such persons relating to the performance of their duties.~~

Sec. 6. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a *lockdown*, fire or other emergency. ~~Except a crisis governed by NRS 392.600 to 392.656, inclusive.~~ Not more than three of ~~those~~ the drills *provided pursuant to this subsection* may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. *At least one-half of the drills provided pursuant to this subsection must include instruction in appropriate procedures to be followed in the event of a lockdown.*

2. In all cities or towns, ~~which have regularly organized, paid fire departments or voluntary fire departments.~~ the drills required by subsection 1 must be conducted under the supervision of the ~~chief of the fire department of the city or town, if the city or town has a regularly organized, paid fire department or voluntary fire department, and the:~~

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school ~~and~~ *in a county whose population is less than 100,000; or*

(b) ~~Chief of the fire department of the city or town.~~ *Emergency manager designated pursuant to section 3 of this act in a county whose population is 100,000 or more.*

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

5. Any violation of the provisions of this section is a misdemeanor.

6. *As used in this section, "lockdown" has the meaning ascribed to it in section 2.25 of this act.*

Sec. 7. NRS 392.600 is hereby amended to read as follows:

392.600 As used in NRS 392.600 to 392.656, inclusive, *and sections 2.25 to 5, inclusive of this act*, unless the context otherwise requires, the words and terms defined in NRS 392.604 to 392.612, inclusive, *and sections 2.25 and 2.5 of this act* have the meanings ascribed to them in those sections.

Sec. 7.5. NRS 392.620 is hereby amended to read as follows:

392.620 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local law enforcement agencies in the county in which its school district or charter school is located.

(b) *If the school district has an emergency manager designated pursuant to section 3 of this act, the emergency manager.*

(c) *If the school district has school resource officers, a school resource officer or a person designated by him or her.*

(d) *If the school district has school police officers, the chief of school police of the school district or a person designated by him or her.*

(e) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation, a procedure for:

(a) Assisting persons within a school in the school district or the charter school to communicate with each other;

(b) Assisting persons within a school in the school district or the charter school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of the school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(c) *Effective communication and interoperability among federal, state and local law enforcement and other first responders;*

(d) Immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

~~[(d)]~~ (e) Assisting pupils of a school in the school district or the charter school, employees of the school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school ~~[-and~~
~~—(e)]~~ *in the event of a lockdown;*

(f) *Assisting any person with an intellectual or physical disability, including, without limitation, a pupil or teacher, who is on school property to move safely within and away from the school, including, without limitation, a procedure for assisting such a pupil or person with evacuating the school or participating in a lockdown; and*

1 (g) Enforcing discipline within a school in the school district or the charter
2 school and for obtaining and maintaining a safe and orderly environment during a
3 crisis or an emergency.

4 3. Each development committee shall provide a copy of the plan that it
5 develops pursuant to this section to the board of trustees of the school district that
6 established the committee or the governing body of the charter school that
7 established the committee.

8 4. Except as otherwise provided in NRS 392.632 and 392.636, each public
9 school, including, without limitation, each charter school, must comply with the
10 plan developed for it pursuant to this section.

11 **Sec. 8.** The provisions of NRS 354.599 do not apply to any additional
12 expenses of a local government that are related to the provisions of this act.

13 **Sec. 9.** This act becomes effective on July 1, 2015.