ARTICLE 67-29
ARMED FIRST RESPONDER PROGRAM

Chapter
67-29-01 Armed First Responder Program

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67-29-01-01. Purpose.

The purpose of the armed first responder program is to give local school boards the ability to decide if an armed first responder will be a part of their school safety plan. The armed first responder program may include an individual carrying a concealed firearm or dangerous weapon as defined by North Dakota Century Code section 62.1-01-01 on school premises, but also requires the school to:

1. Work closely with local law enforcement and the department of emergency services' division of homeland security;

2. Identify school crisis and emergency threats and risks through a comprehensive emergency operations assessment; and

3. Participate in annual active shooter training.

History: Effective April 1, 2020.
General Authority: NDCC 62.1-02-14, 28-32
Law Implemented: NDCC 62.1-02

67-29-01-02. Participation.

Any public or nonpublic school wanting to participate, with permission and approval from their school board or governing body, shall submit a letter of intent to the superintendent of public instruction indicating its intent to participate in an armed first responder program.

History: Effective April 1, 2020.
General Authority: NDCC 62.1-02-14, 28-32
Law Implemented: NDCC 62.1-02

67-29-01-03. Intent.

The letter of intent must be comprised of a short statement that describes the school's intention to participate in the implementation of an armed first responder program and official approval of the school board or governing board. Meeting minutes that include discussion and approval of the armed first responder program and signed by the president of the school board and superintendent or chair of the governing board and the chief executive officer will suffice as official approval and must be included with the letter of intent. The letter of intent may be mailed or submitted by electronic mail to the director

of the office of school approval and opportunity. Once the letter of intent is received by the superintendent of public instruction, the submitting school, within ninety days, shall:

1. Identify the armed first responder;

2. Begin or complete a comprehensive emergency operations assessment, deemed approved by the department of emergency services, homeland security division, or have completed an assessment within three years prior to the submission of the letter of intent to the superintendent of public instruction. The purpose of the assessment is to identify school crisis and emergency threats and risks;

3. Submit the planning proposal as required for the armed first responder program in section 67-29-01-04.

History: Effective April 1, 2020.
General Authority: NDCC 62.1-02-14, 28-32
Law Implemented: NDCC 62.1-02

67-29-01-04. Proposed plan.

1. Within ninety days of submitting the letter of intent pursuant to section 67-29-01-03, the submitting school shall submit a proposed plan to the superintendent of public instruction. The proposed plan must be mailed or submitted by electronic mail to the director of the office of school approval and opportunity.

2. To be considered for approval, the proposed plan must include a description of the overall safety plan of the submitting school that is comprised of, at a minimum, the following required criteria:

   a. The training for the armed first responder defined in subsection 7 of North Dakota Century Code section 62.1-02-14;

   b. A comprehensive emergency operations assessment deemed approved by the department of emergency services, homeland security division for the purpose of identifying school crisis and emergency threats and risk;

   c. Informing local law enforcement, in writing, of the name of the armed first responder;

   d. Response time from local law enforcement;

   e. Training with armed first responder and local law enforcement to provide a coordinated response, in the event of a school emergency, to building lockdown and active assailant events;

   f. Annual active shooter trainings for the district and annual armed first responder recertification;

   g. Developing a strategy for lockbox if one is going to be used;

   h. Approving a posttraumatic stress disorder treatment program for armed first responder;

   i. Approval of proposed plan by local law enforcement; and

   j. Armed first responder eligibility requirements are all met.

3. The proposed plan must include a narrative of the status of completion of each required criteria. Estimated dates of completion must be included for the required criteria that are not completed.

4. The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal to conform to the requirements herein.

History: Effective April 1, 2020.
General Authority: NDCC 62.1-02-14, 28-32
Law Implemented: NDCC 62.1-02

67-29-01-05. Eligibility requirements for armed first responder.

An individual selected to become an armed first responder for a school participating in the program:

1. Must be a law enforcement officer who has retired within the previous three years or completed the training, education, and firearm qualifications necessary to return to employment as law enforcement or an individual who meets the training criteria set forth in subsection 7 of North Dakota Century Code section 62.1-02-14;

2. Must be a United States citizen;

3. Must be at least twenty-one years of age;

4. Must be a high school graduate or state recognized equivalent;

5. Shall complete a criminal background check and be approved by local law enforcement agencies with jurisdiction over the school premises where the individual will be an armed first responder;

6. Shall successfully complete a physical and mental evaluation provided by individuals mentioned in subdivision f of subsection 8 of North Dakota Century Code section 62.1-02-14;

7. Shall complete a faculty and administrator safety training and emergency response program that includes training in:

   a. Armed response;

   b. Crisis management; and

   c. Automated external defibrillator, cardiopulmonary resuscitation, and stop bleeding during an emergency;

8. Must have approval from the school board or governing body to carry a firearm concealed on school property;

9. Must possess a valid class 1 firearm license from the state of North Dakota; and

10. May not be directly responsible for the supervision of children while serving as an armed first responder. An individual directly responsible for the supervision of children is an adult with primary responsibility, as assigned by the school board or school board designee, for observing and directing the actions of children.

History: Effective April 1, 2020.
General Authority: NDCC 62.1-02-14, 28-32
Law Implemented: NDCC 62.1-02

67-29-01-06. Final plan approval.

1. Prior to submission for final approval, the plan must be approved by local law enforcement. Upon completion of all required criteria and receipt of approval from local law enforcement, the plan must be submitted to the superintendent of public instruction for final approval. The

plan may be submitted, via mail or electronic mail to the director of the office of school approval and opportunity. The plan must attest to the completion of the required criteria and indicate the date each such criteria was completed. The plan must include the signature of an individual authorized by local law enforcement confirming approval of the plan.

2. Once the plan is submitted and approved by the department of emergency services' division of homeland security, and the superintendent of public instruction, the submitting school or district may implement the armed first responder program in accordance with the plan.

3. The superintendent of public instruction may revoke any plan approved under North Dakota Century Code section 62.1-02-14 if the superintendent of public instruction, in consultation with the department of emergency services and the attorney general, determines the school has failed to perform in accordance with the agreed upon terms of the approved plan or failed to meet the requirements of this section.

History: Effective April 1, 2020.
General Authority: NDCC 62.1-02-14, 28-32
Law Implemented: NDCC 62.1-02

67-29-01-07. Plan changes after approval.

1. Any change to an approved plan relating to the individual designated by the school to serve as an armed first responder under the plan or to the location of a lockbox on school property must be reported by the school to local law enforcement no later than the next business day following the change. The school's armed first responder program will be suspended temporarily until the school receives approval of the change from local law enforcement.

2. If a school modifies any of the required criteria of an approved plan, including a change to the individual designated as an armed first responder under the plan or the location of a lockbox on school property, the school shall submit the modified plan to the superintendent of public instruction within thirty days of modification.

3. The modified plan must be approved by the superintendent of public instruction and the department of emergency services' division of homeland security. The school may continue to implement the armed first responder program as set forth in the modified plan while awaiting approval from the superintendent of public instruction and the department of emergency services' division of homeland security provided the school has received any approval by local law enforcement required by this section.

History: Effective April 1, 2020.
General Authority: NDCC 62.1-02-14, 28-32
Law Implemented: NDCC 62.1-02

67-29-01-08. Program evaluation data.

1. Any public or nonpublic school with an approved armed first responder program shall submit program evaluation data to the superintendent of public instruction upon request.

2. Each year, within thirty days prior to the anniversary of the effective date of an approved plan, the school shall submit to the superintendent of public instruction confirmation of armed first responder recertification and completion of active shooter training. Failure to provide this data may result in program suspension or termination.

3. The occurrence of any of the following events requires automatic data submission, within five business days, to the superintendent of public instruction:

   a. The school or district terminates the armed first responder program;

b. An incident that causes a firearm to not be under direct control of the armed first responder or in the lockbox as required by the school's plan; or

c. If a firearm is discharged on school property.

History: Effective April 1, 2020.
General Authority: NDCC 62.1-02-14, 28-32
Law Implemented: NDCC 62.1-02