

BILL ANALYSIS

C.S.H.B. 3290
By: Toth
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that not all school districts and applicable local law enforcement agencies have a coordinated plan to respond to special threats and emergencies at public schools, which may result in delayed response times and increased risk for students. C.S.H.B. 3290 seeks to improve school safety response protocols by providing for better coordination between public school districts and local law enforcement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to Department of Public Safety in SECTION 1 of this bill and to the commissioner of education in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 3290 amends the Education Code to require each public school district to adopt a special threat response policy for responding to a special threat on each district campus. The bill requires the policy to:

- be created in coordination with each local law enforcement agency and other first responders with jurisdiction in the district;
- use standard terminology for special threat response established under the bill's provisions;
- at least once during each regular school year require a special threat response drill to be conducted at each district campus that includes students, school personnel, substitute teachers, and each local law enforcement agency and first responders with jurisdiction in the district;
- include copies of the campus special threat response protocols and policies adopted by each local law enforcement agency with jurisdiction in the district under the bill's provisions;
- provide for the annual review and, if necessary, revision of the policy; and
- be submitted annually to the Texas Education Agency (TEA) for certification in accordance with TEA rule, with initial submission by each district of the policy not later than the first day of the 2020-2021 school year.

C.S.H.B. 3290 requires each district to annually provide copies of the district's special threat

response policy to local hospitals, emergency medical services providers, fire departments, emergency management agencies, and any other entities that may be involved in responding to a special threat at a district campus. The bill requires the commissioner of education to adopt rules to implement provisions relating to the special threat response policy and to adopt rules establishing standard terminology for special threat response to be used by districts when developing or adopting rules, policies, or procedures for responding to a special threat at a district campus. The bill sets out requirements for the standard terminology and use of the terminology by a district. The bill requires a district to include in the district's multihazard emergency operations plan a copy of the district's special threat response policy and, if appropriate, to use the standard terminology for special threat response in the multihazard emergency operations plan.

C.S.H.B. 3290 amends the Code of Criminal Procedure to require each law enforcement agency in Texas with jurisdiction in a school district, in collaboration with the district and all other local law enforcement agencies with jurisdiction in the district, to establish protocols for responding to a special threat on a district campus. The bill requires the protocols to take into consideration the district's special threat response policy adopted under the bill's provisions, to include certain provisions for the first officer arriving at the scene, and to be consented to by the district and each local law enforcement agency with jurisdiction in the district. The bill prohibits a local law enforcement agency from unreasonably withholding such consent.

C.S.H.B. 3290 requires each local law enforcement agency in Texas with jurisdiction in a district to adopt a campus special threat response policy for each district in which the agency has jurisdiction that incorporates the protocols, takes into consideration the district's special threat response policy, and includes any additional information necessary for the agency to perform its duties in response to a special threat on each district campus. The bill requires a law enforcement agency with jurisdiction in a district, not later than July 1, 2020, to submit the agency's initial campus special threat response protocols and policy to the Department of Public Safety (DPS) and to submit subsequent protocols and policy not later than July 1 of each year. The bill requires DPS to adopt rules and procedures to annually certify a local law enforcement agency's compliance with these provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3290 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes provisions relating to:

- the entities with whom each school district is required to coordinate in adopting a special threat response policy;
- the standard terminology used in a special threat response policy;
- the participants in the special threat response drill;
- the protocols required to be included in a special threat response policy;
- the annual submission of a special threat response policy;
- the adoption of rules by the commissioner of education to implement the special threat response policy; and
- the inclusion of a district's special threat response policy and, if appropriate, use of the standard terminology in the district's multihazard emergency operations plan.

The substitute includes provisions relating to:

- a deadline for initial submission of a special threat response policy by each district;
- a requirement for each district to provide copies of the special threat response policy to certain entities that may be involved in responding to a special threat;
- the adoption of rules by the commissioner establishing standard terminology for special threat response;
- requirements for the standard terminology and its use;
- the adoption of protocols and policies by each law enforcement agency in Texas with jurisdiction in a school district; and
- the adoption of rules and procedures by DPS.

The substitute does not include provisions relating to the adoption of a response policy by each emergency services agency serving a school district or the adoption of rules and procedures by the director of public safety.