

BILL ANALYSIS

S.B. 168
By: Blanco
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised about the need for guidance on best practices for conducting certain school safety drills and exercises. S.B. 168 seeks to address these concerns by setting out requirements for a district and an open-enrollment charter school to meet in conducting an active threat exercise. The bill also requires the commissioner of education to establish best practices for conducting other emergency school drills and exercises.

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 the commissioner of education in SECTIONS 1 and 2 of this bill.

ANALYSIS

S.B. 168 amends the Education Code to require a public school district and an open-enrollment charter school, before conducting an active threat exercise, to ensure the following:

- that adequate notice of the exercise is provided to students expected to participate, the parents of those students, and staff likely to be part of the exercise, including information regarding the date, content, form, and tone of the exercise and whether it will include a live simulation that mimics or appears to be an actual shooting incident;
- that the exercise is announced to students and faculty before the start of the exercise, including, if applicable, an announcement that the exercise will include a live simulation that mimics or appears to be an actual threat, such as a shooting incident;
- that first responder organizations that would likely respond in the event of a false report or alarm are notified regarding the exercise;
- that a safe zone is created around the area in which the exercise will be conducted to keep out actual firearms, ammunition, and other weapons, other than firearms, ammunition, or other weapons carried by a peace officer, school resource officer, or school marshal or any other person authorized by the district to carry those items on school grounds; and
- that the content of the exercise:
 - is age appropriate and developmentally appropriate;
 - has been developed by a team of school administrators, teachers, school-based mental health professionals, and law enforcement officers, with input from parents and students; and
 - is designed to support the well-being of students who participate in the exercise before, during, and after the exercise is conducted; and that data regarding the

efficacy and impact of the exercise will be tracked, including specified feedback regarding the exercise.

With respect to the safe zone provision, the bill expressly prohibits this provision from being construed to prohibit a parent, legal guardian, or other person acting on a parent's or legal guardian's behalf from transporting or storing in the person's motor vehicle a firearm, ammunition, or other weapon that the person is legally authorized to possess while the person is picking up a child from school. The bill requires a district and open-enrollment charter school to submit the data regarding the exercise's efficacy and impact to the Texas School Safety Center and authorizes the commissioner of education to adopt rules as necessary to implement these active threat exercise provisions.

S.B. 168 requires the commissioner, in consultation with the Texas School Safety Center and state fire marshal, to adopt rules providing best practices for conducting emergency school drills and exercises, including definitions for relevant terms. The bill applies beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.