

SUBJECT: Training educators to carry concealed handguns on school premises

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 6 ayes — Pickett, Fletcher, Dale, Flynn, Sheets, Simmons
0 nays
3 absent — Cortez, Kleinschmidt, Lavender

SENATE VOTE: On final passage, April 17 — 28–3 (Garcia, Rodriguez, Watson)

WITNESSES: No public hearing

BACKGROUND: Penal Code, sec. 46.03(a)(1) prohibits individuals from taking firearms onto the premises of schools and educational institutions, although districts may permit exceptions through written regulations or authorizations.

DIGEST: SB 17 would add subchapter J to Education Code, ch. 37 to create a safety training program for school district or open-enrollment charter school employees licensed to carry concealed handguns.

The Department of Public Safety (DPS) and Advanced Law Enforcement Rapid Response Training Center (ALERRT) at Texas State University-San Marcos would develop the training program and make it available to school employees selected to carry a handgun on school premises under the district's written policy.

The training program would be provided each school year at no charge for two employees at a school campus that did not have security personnel or a full-time commissioned peace officer. The department could provide training to additional employees for a fee.

The bill would create a special fund in the state treasury which could be used by DPS to solicit donations for the safety program. DPS would be required to use donated funds before using any state funds, which would not exceed \$1 million in any biennium. DPS would conduct the training

only if sufficient funds were available.

A district or charter school could not require an employee to participate or take disciplinary action against an employee who refused to participate.

Authorized and trained employees would be allowed to carry concealed weapons at certain interscholastic events in which students from the district were participating.

The bill would limit liability for DPS, ALERRT, school districts, and charter schools for damages arising from an act or failure to act by an employee who had received the training.

Records of those attending the safety training program would be kept confidential.

The bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 17 is prompted by the changed landscape of school safety after the terrible events of December 12, 2012, when a shooter killed 20 students and six adults at Sandy Hook Elementary School in Connecticut. The bill would allow schools that do not have full-time security personnel to designate employees with concealed handgun licenses to undergo special training so they could respond to a school shooting situation.

The program would be voluntary and provided at no cost to the districts. It would be an option for districts that cannot afford to place commissioned peace officers on all their campuses. It could particularly help elementary schools, which are the least likely to employ security personnel.

Many Texas schools are located miles away from local police. SB 17 would allow trained employees to defend students in a shooting situation until police arrived.

The training would be developed by law enforcement personnel with expertise in training for rapid response situations. DPS officials testified that a 16-hour course would be sufficient to teach educators how to conceal and defend students and what to do once police arrive.

The bill would not create a new avenue for guns to be allowed in schools

because school boards currently may, through written authorization, allow teachers and other employees to carry concealed weapons on school campuses. Those districts that choose to allow trained employees to carry concealed weapons would be protected from liability under provisions in SB 17.

The bill would limit state funds to \$1 million per biennium and require any additional funds needed to complete the program come from grants and donations. The Legislative Budget Board (LBB) fiscal note of \$9.38 million to fully implement the program is based on an assumption that all 8,528 schools would send two employees to the training. Some of the schools would not be allowed the free training because they employ full-time security personnel and others likely would choose not to participate.

OPPONENTS
SAY:

SB 17 would allow school districts to pretend to be addressing school safety instead of truly providing the resources needed to make schools safer.

Only fully certified law enforcement personnel should be dealing with weapons on campus. One teacher's group said that 65 percent of the 2,000 teachers who responded to an online survey agreed that security should be provided by local law enforcement and school security, rather than teachers and other school personnel.

Sixteen hours of training is not sufficient and far less than law enforcement officers receive. It is unwise to send insufficiently trained educators into danger.

As has been shown in previous cases, confrontations with active shooters are challenging even for fully trained law enforcement officers. More guns in schools outside the hands of true law enforcement officers would invite more accidents.

The LBB fiscal note is based on an eight-hour curriculum to supplement the CHL training program. Even at that level, it estimates \$9.38 million would be needed to hire DPS troopers who would be the firearms instructors for the training program and for staffing, equipment, and technology costs associated with the training.

NOTES:

The fiscal note estimates the full cost of the safety training program at \$9.38 million and assumes that costs in excess of \$1 million per biennium

would be covered with gifts, grants, and donations. The costs are based on an assumption that all 8,528 public schools would send two employees to the training.

The LBB assumes that DPS would develop an eight-hour course using DPS firearm instructions to supplement the CHL training program and would process applications from qualified individuals and maintain training records. The fiscal note estimates that DPS would need to train up to 18 new troopers in its recruit schools and add other training, license, and program specialists. Additional costs would be for training materials and technology.