

## **BILL ANALYSIS**

Senate Research Center

S.B. 168  
By: Blanco  
Education  
5/28/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Evidence suggests that active shooter drills may be harmful to the mental health of students and school staff. According to a recent study, active shooter drills are associated with increases in depression (39 percent), stress and anxiety (42 percent), and physiological health problems (23 percent) for children as young as five years old up to high schoolers, their parents, and teachers.

S.B. 168 requires a school district to adopt trauma-informed methods and policies regarding active shooter drills prior to conducting a drill. This is supported by the American Federation of Teachers (AFT) and the National Education Association (NEA).

(Original Author's / Sponsor's Statement of Intent)

S.B. 168 amends current law relating to emergency school drills and exercises conducted by public schools.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 1 (Section 37.114, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 37.1141, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.114, Education Code, as follows:

Sec. 37.114. New heading: BEST PRACTICES FOR EMERGENCY SCHOOL DRILLS AND EXERCISES; MANDATORY SCHOOL DRILLS. Requires the commissioner of education (commissioner), in consultation with the Texas School Safety Center and the state fire marshal, to adopt rules providing best practices for conducting emergency school drills and exercises, including definitions for relevant terms, rather than rules providing procedures for evacuating and securing school property during an emergency.

SECTION 2. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.1141, as follows:

Sec. 37.1141. ACTIVE THREAT EXERCISES. (a) Requires a school district, before the district is authorized to conduct an active threat exercise, including an active shooter simulation, to ensure that:

(1) adequate notice of the exercise is provided to students expected to participate in the exercise, the parents of those students, and staff likely to be part of the exercise, including information regarding:

(A) the date on which the exercise will occur;

(B) the content, form, and tone of the exercise; and

(C) whether the exercise will include a live simulation that mimics or appears to be an actual shooting incident;

(2) 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;

(3) first responder organizations that would likely respond in the event of a false report or alarm are notified regarding the exercise;

(4) 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, ammunitions, 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;

(5) the content of the exercise:

(A) is age appropriate and developmentally appropriate;

(B) 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

(C) is designed to support the well-being of students who participate in the exercise before, during, and after the exercise is conducted; and

(6) data regarding the efficacy and impact of the exercise will be tracked, including any feedback regarding the exercise from students, staff, or family members of students or staff.

(b) Prohibits Subsection (a)(4) 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.

(c) Requires a school district to submit data collected under Subsection (a)(6) to the Texas School Safety Center.

(d) Authorizes the commissioner to adopt rules as necessary to implement this section.

SECTION 3. Reenacts Section 12.104(b), Education Code, as amended by Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, and amends it to provide that an open-enrollment charter school is subject to school safety requirements under Section 37.1141, Education Code. Makes nonsubstantive changes.

SECTION 4. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 5. Provides that, to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. Effective date: upon passage or September 1, 2021.