

BILL ANALYSIS

C.S.H.B. 1016
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although public school districts are required to conduct certain school safety drills periodically and are permitted to hold active shooter exercises, concerns have been raised about the need for guidance on best practices for conducting these drills and exercises. C.S.H.B. 1016 seeks to address these concerns by setting out requirements for a district to meet in conducting an active threat exercise, including notification to participants, parents, and other stakeholders of the date and nature of the exercise and the implementation of certain standards to protect students from any adverse effects. 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

C.S.H.B. 1016 amends the Education Code to require a public school district, before the district may conduct 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 certain live simulation;
- 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;
- that the content of a drill meets standards relating to age and developmental appropriateness, the persons responsible for its development, its design with regard to supporting participating students' well-being, ; and
- that data regarding the efficacy and impact of the exercise will be tracked, including specified feedback regarding the exercise.

The bill requires a district 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 provisions. The bill subjects an open-enrollment charter school to the bill's provisions relating to active threat exercises.

C.S.H.B. 1016 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.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1016 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, unlike the original, does not require a district to adopt a policy on active shooter drills before conducting such a drill and does not prohibit an active shooter drill from including simulations that mimic or appear to be an actual shooting incident. The substitute instead requires a district to ensure that required notice and announcement of an active threat exercise state, respectively, whether or if the exercise will include an applicable live simulation.

The substitute includes the following requirements that were not in the original for a district's conduct of an active threat exercise:

- a requirement to provide adequate notice to students and staff, in addition to parents;
- a requirement to ensure that applicable first responder organizations are notified regarding the exercise; and
- a requirement to ensure that a safe zone excluding weapons is created around the area in which the exercise will be conducted.

The substitute includes the following additional differences from the original:

- while the original specifically required standards for the content of an active shooter drill to incorporate trauma-informed practices and required tracked data to include any symptoms or indicators of trauma among student participants that result from a drill, the substitute requires the content to be designed to support the well-being of participating students before, during, and after the exercise and requires tracked data to include any feedback from applicable students, staff, or family members;
- the substitute includes a requirement not in the original for a district to submit data collected for tracking purposes to the Texas School Safety Center;
- the substitute includes an authorization that was not in the original for the commissioner to adopt rules as necessary to implement the bill's provisions regarding active threat exercises; and
- the substitute also adds a requirement for the commissioner, in consultation with specified entities, to adopt rules providing best practices for conducting emergency school drills and exercises in general and defining relevant terms.