

AN ACT

relating to emergency school drills and exercises conducted by public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.114, Education Code, is amended to read as follows:

Sec. 37.114. BEST PRACTICES FOR EMERGENCY SCHOOL DRILLS AND EXERCISES [~~EVACUATIONS~~]; MANDATORY SCHOOL DRILLS. The commissioner, in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules:

(1) providing best practices [~~procedures~~] for conducting [~~evacuating and securing school property during an~~] emergency school drills and exercises, including definitions for relevant terms; and

(2) designating the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills, including designating the number of:

(A) evacuation fire exit drills; and

(B) lockdown, lockout, shelter-in-place, and evacuation drills.

SECTION 2. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.1141 to read as follows:

Sec. 37.1141. ACTIVE THREAT EXERCISES. (a) Before a school district may conduct an active threat exercise, including an active

1 shooter simulation, the district shall ensure that:

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

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

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

8 and

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

12 (2) the exercise is announced to students and faculty
13 before the start of the exercise, including, if applicable, an
14 announcement that the exercise will include a live simulation that
15 mimics or appears to be an actual threat, such as a shooting
16 incident;

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

20 (4) a safe zone is created around the area in which the
21 exercise will be conducted to keep out actual firearms, ammunition,
22 and other weapons, other than firearms, ammunition, or other
23 weapons carried by a peace officer, school resource officer, or
24 school marshal or any other person authorized by the district to
25 carry those items on school grounds;

26 (5) the content of the exercise:

27 (A) is age appropriate and developmentally

1 appropriate;

2 (B) has been developed by a team of school
3 administrators, teachers, school-based mental health
4 professionals, and law enforcement officers, with input from
5 parents and students; and

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

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

13 (b) Subsection (a)(4) may not be construed to prohibit a
14 parent, legal guardian, or other person acting on a parent's or
15 legal guardian's behalf from transporting or storing in the
16 person's motor vehicle a firearm, ammunition, or other weapon that
17 the person is legally authorized to possess while the person is
18 picking up a child from school.

19 (c) A school district shall submit data collected under
20 Subsection (a)(6) to the Texas School Safety Center.

21 (d) The commissioner may adopt rules as necessary to
22 implement this section.

23 SECTION 3. Section [12.104](#)(b), Education Code, as amended by
24 Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943
25 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, is
26 reenacted and amended to read as follows:

27 (b) An open-enrollment charter school is subject to:

- 1 (1) a provision of this title establishing a criminal
2 offense;
- 3 (2) the provisions in Chapter 554, Government Code;
4 and
- 5 (3) a prohibition, restriction, or requirement, as
6 applicable, imposed by this title or a rule adopted under this
7 title, relating to:
- 8 (A) the Public Education Information Management
9 System (PEIMS) to the extent necessary to monitor compliance with
10 this subchapter as determined by the commissioner;
- 11 (B) criminal history records under Subchapter C,
12 Chapter 22;
- 13 (C) reading instruments and accelerated reading
14 instruction programs under Section 28.006;
- 15 (D) accelerated instruction under Section
16 28.0211;
- 17 (E) high school graduation requirements under
18 Section 28.025;
- 19 (F) special education programs under Subchapter
20 A, Chapter 29;
- 21 (G) bilingual education under Subchapter B,
22 Chapter 29;
- 23 (H) prekindergarten programs under Subchapter E
24 or E-1, Chapter 29;
- 25 (I) extracurricular activities under Section
26 33.081;
- 27 (J) discipline management practices or behavior

- 1 management techniques under Section 37.0021;
- 2 (K) health and safety under Chapter 38;
- 3 (L) public school accountability under
4 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 5 (M) the requirement under Section 21.006 to
6 report an educator's misconduct;
- 7 (N) intensive programs of instruction under
8 Section 28.0213;
- 9 (O) the right of a school employee to report a
10 crime, as provided by Section 37.148;
- 11 (P) bullying prevention policies and procedures
12 under Section 37.0832;
- 13 (Q) the right of a school under Section 37.0052
14 to place a student who has engaged in certain bullying behavior in a
15 disciplinary alternative education program or to expel the student;
- 16 (R) the right under Section 37.0151 to report to
17 local law enforcement certain conduct constituting assault or
18 harassment;
- 19 (S) a parent's right to information regarding the
20 provision of assistance for learning difficulties to the parent's
21 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);
- 22 (T) establishment of residency under Section
23 25.001;
- 24 (U) [~~(T)~~] school safety requirements under
25 Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114,
26 37.1141, 37.115, 37.207, and 37.2071;
- 27 (V) [~~(T)~~] the early childhood literacy and

1 mathematics proficiency plans under Section 11.185; and
2 (W) [~~(U)~~] the college, career, and military
3 readiness plans under Section 11.186.

4 SECTION 4. This Act applies beginning with the 2021-2022
5 school year.

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

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 168 passed the Senate on May 6, 2021, by the following vote: Yeas 27, Nays 3.

Secretary of the Senate

I hereby certify that S.B. No. 168 passed the House on May 26, 2021, by the following vote: Yeas 114, Nays 33, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor