86R20095 JES/MEW-F

By:  Toth H.B. No. 3290

Substitute the following for H.B. No. 3290:

By:  Ashby C.S.H.B. No. 3290

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of special threat response policies by school districts and special threat response policies and protocols by law enforcement agencies with jurisdiction in school districts and of standard terminology for special threat response by the Texas Education Agency.

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

SECTION 1.  Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.34 to read as follows:

Art. 2.34.  CAMPUS SPECIAL THREAT RESPONSE PROTOCOLS AND POLICY. (a) Each law enforcement agency in this state with jurisdiction in a school district shall, in collaboration with the school district and all other local law enforcement agencies with jurisdiction in the district, establish protocols for responding to a special threat on a district campus.

(b)  The protocols established under Subsection (a) must:

(1)  take into consideration the school district's special threat response policy adopted under Section 37.1081, Education Code; and

(2)  include provisions for the first officer arriving at the scene to immediately:

(A)  enter the premises where the emergency is occurring;

(B)  identify and evaluate the threat; and

(C)  take action to eliminate the threat, if feasible, or contain the threat to prevent further injuries and protect the public while additional law enforcement officers are summoned.

(c)  Each local law enforcement agency with jurisdiction in a school district and the school district must consent to the protocols established under Subsection (a). A local law enforcement agency may not unreasonably withhold the agency's consent.

(d)  Each local law enforcement agency in this state with jurisdiction in a school district shall adopt a campus special threat response policy for each school district in which the agency has jurisdiction that:

(1)  incorporates the protocols established under Subsection (a);

(2)  takes into consideration the school district's special threat response policy adopted under Section 37.1081, Education Code; and

(3)  includes any additional information necessary for the agency to perform the agency's duties in response to a special threat on each school district campus.

(e)  Not later than July 1 of each year, a law enforcement agency with jurisdiction in a school district must submit the agency's campus special threat response protocols and policy to the Department of Public Safety.

(f)  The Department of Public Safety shall adopt rules and procedures to annually certify a local law enforcement agency's compliance with this article.

SECTION 2.  Section 37.108, Education Code, is amended by adding Subsections (j) and (k) to read as follows:

(j)  A school district shall include in the district's multihazard emergency operations plan a copy of the district's special threat response policy adopted under Section 37.1081.

(k)  In each school district's multihazard emergency operations plan the district shall, if appropriate, use the standard terminology for special threat response established under Section 37.1082.

SECTION 3.  Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1081 and 37.1082 to read as follows:

Sec. 37.1081.  SPECIAL THREAT RESPONSE POLICY. (a) Each school district shall adopt a special threat response policy for responding to a special threat on each district campus. The policy must:

(1)  be created in coordination with each local law enforcement agency and other first responders with jurisdiction in the district;

(2)  use the standard terminology for special threat response established under Section 37.1082;

(3)  at least once during each school year, require a special threat response drill to be conducted at each district campus that includes students, school personnel, including substitute teachers, and each local law enforcement agency and first responders with jurisdiction in the district;

(4)  include copies of the campus special threat response protocols and policies adopted by each local law enforcement agency with jurisdiction in the district under Article 2.34, Code of Criminal Procedure;

(5)  provide for the annual review and, if necessary, revision of the policy; and

(6)  be submitted annually to the agency for certification in accordance with agency rule.

(b)  Each school district shall annually provide copies of the district's special threat response policy to local hospitals, emergency medical services providers, fire departments, emergency management agencies, and any other entities that may be involved in responding to a special threat at a school district campus.

(c)  The commissioner shall adopt rules to implement this section, including rules requiring each school district to annually submit the district's special threat response policy to the agency for certification of the district's compliance with this section.

Sec. 37.1082.  STANDARD TERMINOLOGY FOR SPECIAL THREAT RESPONSE. (a) The commissioner shall adopt rules establishing standard terminology for special threat response to be used by school districts when developing or adopting rules, policies, or procedures for responding to a special threat at a school district campus. The standard terminology established must be consistent with the terminology used in the standard response protocol promulgated by The I Love U Guys Foundation, if possible, or another nationally recognized standard protocol for special threat response.

(b)  A school district must use the standard terminology for special threat response established by the commissioner in the district's special threat response policy and multihazard emergency operations plan, in mandatory special threat response drills, on posted signs, and in any other district policies regarding school safety.

SECTION 4.  (a) As soon as practicable after the effective date of this Act:

(1)  each law enforcement agency with jurisdiction in a school district shall establish the campus special threat response protocols and policy required by Article 2.34, Code of Criminal Procedure, as added by this Act;

(2)  the Department of Public Safety shall adopt the rules and procedures required by Article 2.34(f), Code of Criminal Procedure, as added by this Act;

(3)  each school district shall adopt the special threat response policy required by Section 37.1081, Education Code, as added by this Act; and

(4)  the commissioner of education shall adopt the rules required by Sections 37.1081(c) and 37.1082(a), Education Code, as added by this Act.

(b)  Not later than July 1, 2020, each law enforcement agency shall submit the agency's initial campus special threat response protocols and policy to the Department of Public Safety, as required by Article 2.34(e), Code of Criminal Procedure, as added by this Act.

(c)  Not later than the first day of the 2020-2021 school year, each school district shall submit the district's special threat response policy to the Texas Education Agency, as required by Section 37.1081(a)(6), Education Code, as added by this Act.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.