

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

1 AN ACT  
2 relating to the adoption of special threat response policies by  
3 school districts and special threat response policies and protocols  
4 by law enforcement agencies with jurisdiction in school districts  
5 and of standard terminology for special threat response by the  
6 Texas Education Agency.

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

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

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

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

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

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

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

24 (B) identify and evaluate the threat; and

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

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

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

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

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

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

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

26           (f) The Department of Public Safety shall adopt rules and  
27 procedures to annually certify a local law enforcement agency's

1 compliance with this article.

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

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

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

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

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

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

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

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

27 (4) include copies of the campus special threat

1 response protocols and policies adopted by each local law  
2 enforcement agency with jurisdiction in the district under Article  
3 2.34, Code of Criminal Procedure;

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

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

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

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

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

27 (b) A school district must use the standard terminology for

1 special threat response established by the commissioner in the  
2 district's special threat response policy and multihazard  
3 emergency operations plan, in mandatory special threat response  
4 drills, on posted signs, and in any other district policies  
5 regarding school safety.

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

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

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

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

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

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

26 (c) Not later than the first day of the 2020-2021 school  
27 year, each school district shall submit the district's special

1 threat response policy to the Texas Education Agency, as required  
2 by Section 37.1081(a)(6), Education Code, as added by this Act.

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