

By: Toth

H.B. No. 3290

A BILL TO BE ENTITLED

AN ACT

relating to establishing public school campus special threat response plans.

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

SECTION 1. Section 37.108, Education Code, is amended by amending Subsection (a) and adding Subsections (f) and (g) to read as follows:

Sec. 37.108. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY AND SECURITY AUDIT (a) Each school district or public junior college district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities using uniform nomenclature found in the standard response protocol. The plan must address mitigation, preparedness, response, and recovery as defined by the commissioner of education or commissioner of higher education in conjunction with the governor's office of homeland security. The plan must provide for:

(1) district employee training in responding to an emergency;

(2) if the plan applies to a school district, mandatory school drills and exercises to prepare district students and employees for responding to an emergency;

(3) measures to ensure coordination with the Department of State Health Services, ~~and~~ local emergency management agencies, and emergency services agencies ~~law~~

1 ~~enforcement, health departments, and fire departments]~~ in the event  
2 of an emergency; and

3 (4) the implementation of a safety and security audit  
4 as required by Subsection (b).

5 (f) A school district, in coordination with emergency  
6 services agencies, shall include in its multihazard emergency  
7 operations plan a special threat response policy as described in  
8 Section 37.1081.

9 (g) In this section "emergency services agency" includes a  
10 law enforcement agency, a school security department, a health  
11 department, an emergency medical services provider, and a fire  
12 department.

13 SECTION 2. Subchapter D, Chapter 37, Education Code, is  
14 amended by 37.1081 to read as follows:

15 Sec. 37.1081. CAMPUS SPECIAL THREAT RESPONSE POLICY. (a)  
16 Each school district shall coordinate with each emergency services  
17 agency serving the school district to:

18 (1) establish a policy using uniform nomenclature  
19 found in the standard response protocol to be included in each  
20 school district's multihazard emergency operations plan as  
21 described by Sec. 37.108 for coordinating with emergency services  
22 agencies when responding to a special threat on the campus of a  
23 school;

24 (2) annually:

25 (A) during the regular school year conduct an  
26 special threat drill with emergency services agencies, students,  
27 and school employees, including substitute teachers, in accordance

1 with the policy; and

2 (B) review and, if necessary, revise the policy;

3 and

4 (3) not later than August 1 of each year, submit the  
5 policy to the commissioner and the director of public safety.

6 (b) The response policy established under Subsection (a)(1)  
7 must:

8 (1) include protocols for the first law enforcement  
9 officer arriving at the scene to immediately:

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

12 (B) identify and evaluate the threat; and

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

17 (2) must be consented to by each emergency services  
18 agency serving the school district, which consent may not be  
19 unreasonably withheld.

20 (c) Each emergency services agency serving a school  
21 district shall adopt a response policy incorporating the policy  
22 established under Subsection (a)(1) and include any additional  
23 information necessary for the emergency services district to  
24 perform its duties under a school district's response policy.

25 (d) Rules and procedures shall be adopted by:

26 (1) the commissioner for the annual certification of a  
27 school district's plan established under Subsection (a)(1); and

1           (2) the director of public safety for the annual  
2 certification of an emergency service agency's plan established  
3 under Subsection (c).

4           (d) In this section "emergency services agency" has the  
5 meaning assigned by Section 37.108(g).

6           SECTION 3. (a) As soon as practicable after the effective  
7 date of this Act:

8           (1) each school district and each emergency services  
9 agency shall establish the policy required by Section 37.1081,  
10 Education Code, as added by this Act; and

11           (2) the Commissioner of Education and the Director of  
12 Public Safety shall adopt the rules and procedures required by  
13 Section 37.1081, Education Code, as added by this Act.

14           (b) Not later than August 1, 2020, each school district and  
15 emergency services agency shall submit the initial policies to the  
16 Commissioner of Education and the Director of Public Safety, as  
17 required by Section 37.1081, Education Code, as added by this Act.

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