

By: Ordaz Perez, Allison, Lozano,
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H.B. No. 1016

Substitute the following for H.B. No. 1016:

By: Dutton

C.S.H.B. No. 1016

A BILL TO BE ENTITLED

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;

23 (5) the content of the exercise:

24 (A) is age appropriate and developmentally
25 appropriate;

26 (B) has been developed by a team of school
27 administrators, teachers, school-based mental health

1 professionals, and law enforcement officers, with input from
2 parents and students; and

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

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

10 (b) A school district shall submit data collected under
11 Subsection (a)(6) to the Texas School Safety Center.

12 (c) The commissioner may adopt rules as necessary to
13 implement this section.

14 SECTION 3. Section 12.104(b), Education Code, as amended by
15 Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943
16 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, is
17 reenacted and amended to read as follows:

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

19 (1) a provision of this title establishing a criminal
20 offense;

21 (2) the provisions in Chapter 554, Government Code;
22 and

23 (3) a prohibition, restriction, or requirement, as
24 applicable, imposed by this title or a rule adopted under this
25 title, relating to:

26 (A) the Public Education Information Management
27 System (PEIMS) to the extent necessary to monitor compliance with

- 1 this subchapter as determined by the commissioner;
- 2 (B) criminal history records under Subchapter C,
3 Chapter 22;
- 4 (C) reading instruments and accelerated reading
5 instruction programs under Section 28.006;
- 6 (D) accelerated instruction under Section
7 28.0211;
- 8 (E) high school graduation requirements under
9 Section 28.025;
- 10 (F) special education programs under Subchapter
11 A, Chapter 29;
- 12 (G) bilingual education under Subchapter B,
13 Chapter 29;
- 14 (H) prekindergarten programs under Subchapter E
15 or E-1, Chapter 29;
- 16 (I) extracurricular activities under Section
17 33.081;
- 18 (J) discipline management practices or behavior
19 management techniques under Section 37.0021;
- 20 (K) health and safety under Chapter 38;
- 21 (L) public school accountability under
22 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 23 (M) the requirement under Section 21.006 to
24 report an educator's misconduct;
- 25 (N) intensive programs of instruction under
26 Section 28.0213;
- 27 (O) the right of a school employee to report a

1 crime, as provided by Section 37.148;

2 (P) bullying prevention policies and procedures
3 under Section 37.0832;

4 (Q) the right of a school under Section 37.0052
5 to place a student who has engaged in certain bullying behavior in a
6 disciplinary alternative education program or to expel the student;

7 (R) the right under Section 37.0151 to report to
8 local law enforcement certain conduct constituting assault or
9 harassment;

10 (S) a parent's right to information regarding the
11 provision of assistance for learning difficulties to the parent's
12 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

13 (T) establishment of residency under Section
14 25.001;

15 (U) [~~(T)~~] school safety requirements under
16 Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114,
17 37.1141, 37.115, 37.207, and 37.2071;

18 (V) [~~(T)~~] the early childhood literacy and
19 mathematics proficiency plans under Section 11.185; and

20 (W) [~~(U)~~] the college, career, and military
21 readiness plans under Section 11.186.

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

24 SECTION 5. To the extent of any conflict, this Act prevails
25 over another Act of the 87th Legislature, Regular Session, 2021,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

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