

1-1 By: Blanco S.B. No. 168  
 1-2 (In the Senate - Filed November 10, 2020; March 3, 2021,  
 1-3 read first time and referred to Committee on Education;  
 1-4 April 30, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 1; April 30, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Hall	X			
1-12 Hughes	X			
1-13 Menéndez	X			
1-14 Paxton		X		
1-15 Perry	X			
1-16 Powell	X			
1-17 Schwertner			X	
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 168 By: Lucio

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to emergency school drills and exercises conducted by  
 1-24 public schools.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 37.114, Education Code, is amended to  
 1-27 read as follows:

1-28 Sec. 37.114. BEST PRACTICES FOR EMERGENCY SCHOOL DRILLS AND  
 1-29 EXERCISES [EVACUATIONS]; MANDATORY SCHOOL DRILLS. The  
 1-30 commissioner, in consultation with the Texas School Safety Center  
 1-31 and the state fire marshal, shall adopt rules:

1-32 (1) providing best practices [~~procedures~~] for  
 1-33 conducting [evacuating and securing school property during an]  
 1-34 emergency school drills and exercises, including definitions for  
 1-35 relevant terms; and

1-36 (2) designating the number of mandatory school drills  
 1-37 to be conducted each semester of the school year, not to exceed  
 1-38 eight drills, including designating the number of:

1-39 (A) evacuation fire exit drills; and  
 1-40 (B) lockdown, lockout, shelter-in-place, and  
 1-41 evacuation drills.

1-42 SECTION 2. Subchapter D, Chapter 37, Education Code, is  
 1-43 amended by adding Section 37.1141 to read as follows:

1-44 Sec. 37.1141. ACTIVE THREAT EXERCISES. (a) Before a school  
 1-45 district may conduct an active threat exercise, including an active  
 1-46 shooter simulation, the district shall ensure that:

1-47 (1) adequate notice of the exercise is provided to  
 1-48 students expected to participate in the exercise, the parents of  
 1-49 those students, and staff likely to be part of the exercise,  
 1-50 including information regarding:

1-51 (A) the date on which the exercise will occur;  
 1-52 (B) the content, form, and tone of the exercise;

1-53 and

1-54 (C) whether the exercise will include a live  
 1-55 simulation that mimics or appears to be an actual shooting  
 1-56 incident;

1-57 (2) the exercise is announced to students and faculty  
 1-58 before the start of the exercise, including, if applicable, an  
 1-59 announcement that the exercise will include a live simulation that  
 1-60 mimics or appears to be an actual threat, such as a shooting

2-1 incident;  
2-2 (3) first responder organizations that would likely  
2-3 respond in the event of a false report or alarm are notified  
2-4 regarding the exercise;  
2-5 (4) a safe zone is created around the area in which the  
2-6 exercise will be conducted to keep out actual firearms, ammunition,  
2-7 and other weapons;  
2-8 (5) the content of the exercise:  
2-9 (A) is age appropriate and developmentally  
2-10 appropriate;  
2-11 (B) has been developed by a team of school  
2-12 administrators, teachers, school-based mental health  
2-13 professionals, and law enforcement officers, with input from  
2-14 parents and students; and  
2-15 (C) is designed to support the well-being of  
2-16 students who participate in the exercise before, during, and after  
2-17 the exercise is conducted; and  
2-18 (6) data regarding the efficacy and impact of the  
2-19 exercise will be tracked, including any feedback regarding the  
2-20 exercise from students, staff, or family members of students or  
2-21 staff.  
2-22 (b) A school district shall submit data collected under  
2-23 Subsection (a)(6) to the Texas School Safety Center.  
2-24 (c) The commissioner may adopt rules as necessary to  
2-25 implement this section.  
2-26 SECTION 3. Section 12.104(b), Education Code, as amended by  
2-27 Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943  
2-28 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, is  
2-29 reenacted and amended to read as follows:  
2-30 (b) An open-enrollment charter school is subject to:  
2-31 (1) a provision of this title establishing a criminal  
2-32 offense;  
2-33 (2) the provisions in Chapter 554, Government Code;  
2-34 and  
2-35 (3) a prohibition, restriction, or requirement, as  
2-36 applicable, imposed by this title or a rule adopted under this  
2-37 title, relating to:  
2-38 (A) the Public Education Information Management  
2-39 System (PEIMS) to the extent necessary to monitor compliance with  
2-40 this subchapter as determined by the commissioner;  
2-41 (B) criminal history records under Subchapter C,  
2-42 Chapter 22;  
2-43 (C) reading instruments and accelerated reading  
2-44 instruction programs under Section 28.006;  
2-45 (D) accelerated instruction under Section  
2-46 28.0211;  
2-47 (E) high school graduation requirements under  
2-48 Section 28.025;  
2-49 (F) special education programs under Subchapter  
2-50 A, Chapter 29;  
2-51 (G) bilingual education under Subchapter B,  
2-52 Chapter 29;  
2-53 (H) prekindergarten programs under Subchapter E  
2-54 or E-1, Chapter 29;  
2-55 (I) extracurricular activities under Section  
2-56 33.081;  
2-57 (J) discipline management practices or behavior  
2-58 management techniques under Section 37.0021;  
2-59 (K) health and safety under Chapter 38;  
2-60 (L) public school accountability under  
2-61 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;  
2-62 (M) the requirement under Section 21.006 to  
2-63 report an educator's misconduct;  
2-64 (N) intensive programs of instruction under  
2-65 Section 28.0213;  
2-66 (O) the right of a school employee to report a  
2-67 crime, as provided by Section 37.148;  
2-68 (P) bullying prevention policies and procedures  
2-69 under Section 37.0832;

3-1 (Q) the right of a school under Section 37.0052  
3-2 to place a student who has engaged in certain bullying behavior in a  
3-3 disciplinary alternative education program or to expel the student;

3-4 (R) the right under Section 37.0151 to report to  
3-5 local law enforcement certain conduct constituting assault or  
3-6 harassment;

3-7 (S) a parent's right to information regarding the  
3-8 provision of assistance for learning difficulties to the parent's  
3-9 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

3-10 (T) establishment of residency under Section  
3-11 25.001;

3-12 (U) [~~(T)~~] school safety requirements under  
3-13 Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114,  
3-14 37.1141, 37.115, 37.207, and 37.2071;

3-15 (V) [~~(T)~~] the early childhood literacy and  
3-16 mathematics proficiency plans under Section 11.185; and

3-17 (W) [~~(U)~~] the college, career, and military  
3-18 readiness plans under Section 11.186.

3-19 SECTION 4. This Act applies beginning with the 2021-2022  
3-20 school year.

3-21 SECTION 5. To the extent of any conflict, this Act prevails  
3-22 over another Act of the 87th Legislature, Regular Session, 2021,  
3-23 relating to nonsubstantive additions to and corrections in enacted  
3-24 codes.

3-25 SECTION 6. This Act takes effect immediately if it receives  
3-26 a vote of two-thirds of all the members elected to each house, as  
3-27 provided by Section 39, Article III, Texas Constitution. If this  
3-28 Act does not receive the vote necessary for immediate effect, this  
3-29 Act takes effect September 1, 2021.

3-30 \* \* \* \* \*