

The Texas Education Agency (TEA) adopts an amendment to §103.1209, concerning mandatory school drills. The amendment is adopted with changes to the proposed text as published in the April 10, 2026 issue of the *Texas Register* (51 TexReg 2339) and will be republished. The adopted amendment implements Senate Bill (SB) 57, 89th Texas Legislature, Regular Session, 2025, by establishing requirements to ensure school systems provide equal access to safety during emergency incidents, required drills, and district-approved exercises for students and district personnel with access and functional needs.

REASONED JUSTIFICATION: Section 103.1209 requires that school districts and open-enrollment charter schools conduct emergency drills in accordance with Texas Education Code (TEC), §37.114.

SB 57, 89th Texas Legislature, Regular Session, 2025, amended TEC, §37.1086, to require the commissioner to establish rules related to accommodations for students with an individualized education program or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504, during a mandatory school drill required under TEC, §37.114. The adopted amendment makes the following changes to implement SB 57.

In subsection (b), definitions were added to align with requirements ensuring equal access to safety for students and staff with disabilities during required drills and emergency events.

New subsection (d) was added to ensure students with access and functional needs participate in required drills, and it provides guidance and considerations for ensuring equal access to safety. Further, in response to public comment, subsection (d)(4)(G) was added at adoption, ensuring input from or briefing individuals with close and continuous contact with students with disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began April 10, 2026, and ended May 11, 2026. Following is a summary of the public comments received and agency responses.

Comment: Two community members commented in support of inclusive safety practices, encouraging specific guidance on supporting students with communication needs (e.g., considerations for augmentative and alternative communication (AAC) use, staff training, and sensory considerations).

Response: The agency agrees. Inclusive safety practices mandate equal access to safety for individuals with access and functional needs during mandatory drills, approved exercises, and emergency incidents.

Comment: A Texas school administrator commented that, while the intent of the proposed amendment is understandable, the additional rule language introduces more compliance expectations, thereby risking increased administrative burden without significantly improving student safety outcomes. The commenter further stated that the proposal reflects a continued emphasis on procedural and compliance-driven requirements rather than addressing the more pressing needs of public education.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: A Texas school administrator commented that local school systems are best positioned to design and implement effective safety procedures that account for the unique needs of their students and staff. The commenter stated that state mandates in this area limit local flexibility without clear evidence of added value. The commenter urged the agency to limit changes to only what is required by statute and avoid expanding regulatory requirements that do not directly enhance student safety.

Response: The agency disagrees. TEC, §37.1086, requires the agency to establish, by rule, recommendations and guidelines to ensure that students and staff with access and functional needs have equal access to safety during mandatory drills, approved exercises, and emergency incidents. The amendment fulfills this statutory directive.

Comment: State Representative Mary Gonzalez and Disability Rights Texas suggested the amendment include obtaining input from or briefing individuals with close and continuous contact with students with disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

Response: The agency agrees. This suggestion was incorporated as new subsection (d)(4)(G) at adoption.

Comment: The Texas Council of Administrators of Special Education (TCASE) commented that the definition of individuals with access and functional needs creates confusion because there is no associated mechanism with how to determine if an individual meets the criteria. TCASE further commented that TEC, §37.1086, does not require accommodations for students with disabilities, stating the law directs TEA to develop recommended accommodations for students with disabilities during a mandatory school drill and requires districts to document accommodations for students with disabilities in their emergency operations plans (EOPs).

Response: The agency disagrees and has determined the definition is sufficient as proposed. The definition provided clearly identifies the populations requiring consideration for accommodations in emergency preparedness activities.

Comment: TCASE commented that there is no requirement in SB 57 to discuss emergency procedures with parents in an admission, review, and dismissal (ARD) committee meeting. TCASE stated that including this discussion within the ARD meeting will make ARD committee meetings even longer, potentially removing general and special educators from providing services to students while participating in longer IEP meetings.

Response: The agency disagrees and has determined that the rule is sufficient as proposed. The rule encourages discussions regarding emergency procedures with parents and/or those to standing in parental relation because it strengthens preparedness, coordination, and student-specific safety planning.

Comment: TCASE commented that a multihazard emergency operations plan is commonly referred to as the MEOP versus EOP, as outlined in the proposed rule.

Response: The agency disagrees. EOP is a widely recognized term in safety and security contexts, specifically in emergency management, education, and public sector operations.

Comment: TCASE commented that there is no statutory authority for the proposed language stating that only staff members can assume responsibility for assisting students during drills and emergency situations.

Response: The agency disagrees and has determined the language is sufficient as proposed. Staff members receive training in and subsequently implement emergency response protocols during mandatory drills and emergency events.

Comment: TCASE commented that the proposed rule should provide schools with discretion related to the participation of students with disabilities in drills to minimize disruption for the student.

Response: The agency disagrees and has determined that the rule is sufficient as proposed. Students, including those with disabilities, should participate in mandatory drills because drills are the primary mechanism for teaching and reinforcing the skills necessary to respond safely and effectively during actual emergencies.

Response: The agency disagrees that a change should be made at this time. There may be challenges with estimating average daily attendance (ADA) for certain charter schools. Charter FIRST indicator 16 for the 2026-2027 rating year in Figure 19 TAC §109.1001(f)(2) reflects variations for points based on four groups of ADA. The agency will review information related to this indicator as it relates charter schools with student populations from correctional facilities and residential treatment centers. The agency is willing to make adjustments that are deemed necessary if a charter school submits an appeal for the indicator after the preliminary rating is released. The agency has maintained language as proposed concerning Charter FIRST indicator 16 in the figures in subsection (f)(1) and (2).

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §37.114, which requires the commissioner of education to provide best practices for conducting emergency drills and exercises and to designate the number and type of mandatory school drills to be conducted each semester of the school year; and TEC, §37.1086, as amended by Senate Bill 57, 89th Texas Legislature, Regular Session, 2025, which requires the Texas Education Agency to develop by rule recommendations and guidelines regarding accommodations for a

student with an individualized education program or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504, during a mandatory school drill.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §37.114; and §37.1086, as amended by Senate Bill 57, 89th Texas Legislature, Regular Session, 2025.

<rule>

§103.1209. Mandatory School Drills.

- (a) Requirement. Each school system shall conduct emergency safety drills in accordance with Texas Education Code (TEC), §37.114. Drills do not include persons role playing as active aggressors or other simulated threats.
- (b) Definitions and related terms. The following words and terms related to drills and exercises, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise. These definitions do not apply to an active threat exercise, which is defined in TEC, §37.1141, and associated rules, if any.
 - (1) General terms.
 - (A) Active aggressor--An individual actively engaged in killing or attempting to kill people in a confined and populated area.
 - (B) Drill--A set of procedures that test a single, specific operation or function. Drills do not include persons role playing as active aggressors or other simulated threats. Drill examples include evacuating for a fire or locking down from an internal threat.
 - (C) Exercise--An instrument to train for, assess, practice, and improve performance in mitigation, prevention, preparedness, response, and recovery in a risk-free environment. While drills and exercises may overlap in some aspects, discussion-based and operation-based exercises are often more in depth and multi-faceted.
 - (D) Individuals with access and functional needs--Persons who may have temporary or permanent additional needs in functional areas, including, but not limited to, maintaining independence, communication, transportation, supervision, and medical care, as well as students with an individualized education program (IEP) created under the Individuals with Disabilities Act (20 U.S.C. Section 1400, et seq.) or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504.
 - (E) School system--This term includes traditional independent or consolidated public school districts and open-enrollment charter schools.
 - (2) Terms defining the level of exercise.
 - (A) Full-scale exercise--Typically the most complex and resource-intensive type of exercise. It involves multiple agencies, organizations, and jurisdictions and validates many facets of preparedness. This exercise often includes many players operating under cooperative systems such as the Incident Command System (ICS) or Unified Command. Resources and staff are mobilized as needed. All actions are taken as if the emergency is real. A full-scale exercise is the most time-consuming activity in the exercise continuum and is a multiagency, multijurisdictional effort in which all resources are deployed. A full-scale exercise tests collaborations among the agencies and participants, public information systems, communication systems, and equipment. An Emergency Operations Center is established by either law enforcement or fire services, and the ICS is activated. Because of all the logistics and resources needed for a full-scale exercise, it often takes a year to plan and is not held often. Usually, a school system is not the organizer of such an exercise, but it would play a critical role in both function and potential facility use.

- (B) Functional exercise--Designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions. A functional exercise is typically focused on exercising plans, policies, procedures, and staff members involved in management, direction, command, and control functions. It allows participants to practice their specific roles or functions in an emergency. This type of exercise is conducted in a realistic, real-time simulated environment and often includes simulators (individuals who assist with the facilitation of the exercise) and follows a master scenario events list that dictates additional information, occurrences, or activities that affect the exercise scenario.
 - (C) Seminar exercise--A discussion-based exercise designed to orient participants to new or updated plans, policies, or procedures through informal discussions. Seminar exercises are often used to impart new information and formulate new ideas.
 - (D) Tabletop exercise--A small group discussion that walks through a scenario and the courses of action a school will need to take before, during, and after an emergency to lessen the impact on the school community. Participants problem-solve together through a detailed discussion of roles, responsibilities, and anticipated courses of action. A tabletop exercise leverages a defined scenario to direct discussion and may need an experienced facilitator depending on the complexity and objectives of the exercise.
 - (E) Workshop exercise--A type of discussion-based exercise focused on increased participant interaction and achieving or building a product (e.g., plans or policies). A workshop exercise is typically used to test new ideas, processes, or procedures; train groups in coordinated activities; and obtain consensus. A workshop exercise often uses breakout sessions to explore parts of an issue with smaller groups.
- (3) Terms defining the type of drill.
- (A) Evacuation drill--A response action school systems take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.
 - (B) Fire drill--A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.
 - (C) Lockdown drill--A response action school systems take to secure (close, latch, and lock) interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all students, staff, and visitors are secured away from immediate danger.
 - (D) Secure drill--A response action school systems take to secure (close, latch, and lock) the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. This type of drill uses the security of the physical facility to act as protection to deny entry.
 - (E) Shelter for hazardous materials (hazmat) drill--A response action school systems take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Examples of a shelter-in-place for hazmat drill include train derailment with chemical release or smoke from a nearby fire.
 - (F) Shelter for severe weather drill--A response action school systems take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

- (c) Frequency. TEC, §37.114(2), requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither this rule, nor the law, precludes a school system from conducting more drills as deemed necessary and appropriate. Following is the required minimum frequency of drills by type.
- (1) Secure drill--One per school year.
 - (2) Lockdown drill--Two per school year (once per semester).
 - (3) Evacuation drill--One per school year.
 - (4) Shelter drill (for either severe weather or hazmat) --One per school year.
 - (5) Fire drill--School systems should consult with the local authority having jurisdiction (e.g., fire marshal) and comply with its requirements and recommendations. If a school system does not have a local authority or has not adopted a fire code, it shall conduct four drills per school year (two per semester).
- (d) Equal access. In accordance with TEC, §37.108 and §37.1086, school systems must provide equal access to safety during emergency incidents, required drills, and district-approved exercises for students and district personnel with access and functional needs. Students with access and functional needs must participate in required drills.
- (1) School systems must designate a person to ensure each campus has reviewed all IEPs and Section 504 plans to identify students who require accommodations to have access to safety and security during drills and emergency situations.
 - (2) School systems must acknowledge that all IEP or Section 504 plans for students in the school system who require accommodations to access safety and security during drills and emergency situations are considered when drafting their multihazard emergency operations plan (EOP). Accommodations to ensure access to safety and security must be documented locally and shared with appropriate campus-level personnel and the school system's Safety and Security Committee.
 - (3) EOP updates must avoid using personal identifying information, in accordance with the Family Educational Rights and Privacy Act.
 - (4) Ensuring equal access to safety during emergency incidents, required drills, and approved exercises shall include:
 - (A) incorporating recommendations from the Texas Education Agency's (TEA's) Guidelines for Multihazard Emergency Operations, as posted on the TEA website;
 - (B) informing and training staff about emergency response protocols and encouraging educators to discuss emergency procedures with parents (or those standing in parental relation) as part of IEP meetings and/or other reviews;
 - (C) identifying pre-evacuation sites that are accessible to students and staff with disabilities;
 - (D) developing a schedule of daily activities and classes that identify where students and staff with access needs are located during each period of the day;
 - (E) planning a primary and secondary evacuation route from each location students and staff members are during the day;
 - (F) classroom storage of disability-related supplies, assistive equipment, and tools needed during emergency incidents, required drills, or district-approved exercises (e.g., a go kit); and
 - (G) obtaining input from or briefing individuals with close and continuous contact with students with disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

- (5) Only staff members can assume the responsibility of assisting students during drills and emergency situations.
- (6) School systems must additionally consider the following:
 - (A) the classroom location and placement of students with disabilities. School systems should evaluate the accessibility of nearby exits, proximity to the school nurse, and classroom placement in multi-story buildings;
 - (B) the benefit of incorporating both audible and visual elements in alarm systems for fire, public address systems, severe weather notifications, and lockdown alerts;
 - (C) the availability of medicines or medical devices during drills and emergency situations. School systems should make alternative arrangements to meet these needs if medicines or medical devices may be unavailable; and
 - (D) using lessons learned from required drills to identify gaps and update existing multihazard EOPs.
- (e) Best practices for conducting drills and exercises. This subsection highlights best practices for conducting drills and exercises. For more information about best practices, refer to Texas School Safety Center guidance.
 - (1) Drills and exercises should be designed and conducted in accordance with guidance and best practice resources provided by the Texas School Safety Center.
 - (2) Drill and exercise design should include purpose, goals, and objectives that are stated in plans for each type of drill. Purpose, goals, and objectives should be developed with input from all sectors of the school community. Input in planning should be sought from multiple stakeholder perspectives for each type of drill and exercise, including from:
 - (A) the school system's School Safety and Security Committee;
 - (B) first responders;
 - (C) mental and behavioral health professionals;
 - (D) students and families; and
 - (E) staff, including non-traditional teachers, coaches, trade instructors, custodians, and food service workers.
 - (3) Drill and exercise design elements should include:
 - (A) physical and psychological safety for all participants;
 - (B) planning in a trauma-informed manner to maximize learning and to minimize potential trauma for students and staff;
 - (C) providing advance notification of drills and exercises;
 - (D) planning for post-drill or after-action reviews of each drill and exercise; and
 - (E) ensuring drills and exercises are age and developmentally appropriate with the understanding that more complex drills and exercises will require a hierarchy of learning to achieve or obtain more advanced goals or objectives.
 - (4) Exercises are more complex than drills. It is recommended that school systems start with discussion-based exercises and work up to operation-based exercises. Discussion-based exercises include seminar exercises, tabletop exercises, and workshop exercises. Operation-based exercises include functional exercises and full-scale exercises. Exercises can be used for:
 - (A) testing and validating policies, plans, procedures, training, equipment, and interagency agreements;
 - (B) clarifying and training personnel in roles and responsibilities;

- (C) improving interagency coordination and communications;
- (D) identifying gaps in resources;
- (E) improving individual performance; and
- (F) identifying opportunities for improvement.