

The Texas Education Agency (TEA) proposes new §103.1209, concerning mandatory school drills. The proposed new rule would implement Senate Bill (SB) 11, 86th Legislative Session, 2019, which mandated the adoption of procedures for evacuating school property and designation of the number and type of school drills.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), Chapter 37, Subchapter D, addresses the protection of school buildings and grounds. To this subchapter, SB 11, 86th Texas Legislature, 2019, added TEC, §37.114, which mandates emergency evacuations and school drills. Proposed new 19 TAC §103.1209 would implement the new statute by establishing requirements and definitions and by designating the frequency of mandatory school drills.

Proposed new subsection (a) would require districts and open-enrollment charter schools to conduct emergency safety drills. This requirement would help districts and open-enrollment charter schools practice critical drills to keep students, staff, and visitors safe during an actual emergency.

Proposed new subsection (b) would define the drills that districts and open-enrollment charter schools are required to conduct every school year. Due to nuanced differences between the drills, it is important to define the different types of drills and the situations that trigger the drills.

Proposed new subsection (c) would identify the frequency with which each drill must be conducted during the academic school year, not to exceed eight drills. This would provide districts and open-enrollment charters with the guidance needed on the number of drills to be conducted in one school year.

FISCAL IMPACT: Megan Aghazadian, deputy commissioner for operations, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation and increase the number of individuals subject to its applicability by implementing the statutory requirements regarding mandatory school drills.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Aghazadian has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be ensuring that districts and open-enrollment charter schools practice critical drills to keep students, staff, and visitors safe during an actual emergency. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins May 29, 2020, and ends July 13, 2020. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 29, 2020. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code, §37.114, as added by Senate Bill 11, 86th Texas Legislature, 2019, which requires the commissioner to adopt rules regarding emergency evacuations and drills, in consultation with the state fire marshal and Texas School Safety Center.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §37.114, as added by Senate Bill 11, 86th Texas Legislature, 2019.

<rule>

§103.1209. Mandatory School Drills.

- (a) Requirement. Each school district and open-enrollment charter school shall conduct emergency safety drills in accordance with Texas Education Code, §37.114.
- (b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Drill--A set of procedures that test a single, specific operation or function. Drill examples include evacuating for a fire or locking down from an internal threat.
 - (2) Secure (Lockout)--A response action that a school takes to secure school buildings and grounds during incidents that pose a threat or hazard outside of the school building. Secure (Lockout) uses the security of the physical facility to act as protection.
 - (3) Lockdown--A response action that a school takes to secure school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all school students, staff, and visitors are secured away from immediate danger.
 - (4) Evacuate--A response action that a school takes 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.
 - (5) Shelter-in-place for hazmat--A response action that a school takes 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. Shelter-in-place for hazmat examples include train derailment with chemical release or smoke from a nearby fire.
 - (6) Shelter for severe weather--A response action that a school takes 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.

- (7) Hold--A response action that a school takes when hallways need to be cleared. Subsequent bells and any/all scheduled class changes are disregarded. Movement throughout building is stopped until an all-clear signal is given.
 - (8) Fire evacuation 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) Frequency. School emergency and safety drills shall be conducted each semester of the school year, not to exceed eight drills for the entire school year. Following is the recommended frequency of drills by type.
- (1) Secure (Lockout)--One per school year.
 - (2) Lockdown--Two per school year or once per semester.
 - (3) Evacuate--One per school year.
 - (4) Shelter-in-place for hazmat--One per school year.
 - (5) Shelter for severe weather--One per school year.
 - (6) Hold--One per school year.
 - (7) Fire evacuation drill--One per school year.