



Public Comments on Proposed Amendments to Commissioner's Rules in 19 TAC Chapter 103 March 7, 2022

The Association of Texas Professional Educators (ATPE) respectfully submits the following comments on the proposed amendments to 19 TAC Chapter 103.1209 concerning mandatory school drills.

Senate Bill (SB) 168, passed in 2021, amended Texas Education Code (TEC) 37.114 to require that the commissioner of education consult with the Texas School Safety Center (TSSC) and the state fire marshal to adopt rules that provide best practices for conducting emergency school drills and exercises, including definitions for relevant terms. In TEC 37.1141, SB 168 also allows the commissioner to adopt rules to implement a new addition to Texas school safety laws that defines and delineates how districts may conduct active threat exercises, including active shooter simulations. The proposed rules only appear to implement TEC 37.114 regarding best practices and definitions. Although we expect the commissioner to separately propose additional rules to implement TEC 37.1141, ATPE's comments also include feedback on elements of that statute.

ATPE's recommendations are framed around the priority that educational settings be safe and secure environments where students, employees, and volunteers can be productive. Creating a safe and secure environment requires carefully considering how drills and exercises are conducted and how any negative impacts of those drills, such as mental stress or lost instructional time, are mitigated so that students and staff can continue working and learning.

The proposed rules bifurcate mandatory school drills and active threat exercises. This prevents required drills and lockdown exercises from including people who are role-playing as active aggressors, defined in subsection (b)(1) of the proposed rules as someone who is "actively engaged in killing or attempting to kill people in a confined and populated area." ATPE agrees with this proposal as unnecessarily subjecting students and staff to traumatic simulations could severely impair their mental, emotional, and academic well-being.

ATPE also appreciates that the proposed definitions in subsection (b) provide detailed explanations of varying degrees of exercises that can be used in education settings and that none of these exercises are being added into the required frequencies in subsection (c). If a district does decide to implement a drill or exercise, the proposed best practices in subsection (d) include important elements such as physical and psychological safety measures and minimizing trauma.

To lessen any potential negative impacts on maintaining a safe and secure school environment, ATPE recommends the following for the proposed rules in 19 TAC Chapter 103.1209:

1. Explicitly include "teachers and principals" in subsection (d)(2) as a new subsection (F). While the district School Safety and Security Committee (TEC 37.109) might include at

least one teacher, there is no requirement that it does. Additionally, proposed subsection (d)(2)(E) refers more broadly to “staff” without ensuring teachers and principals are involved in the planning. As the adults who are entrusted with the safety of students, teachers and principals are arguably the most important individuals participating in drills and exercises.

2. Amend subsection (d)(3) to include the following:

(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 **to parents and guardians**;

(D) planning for **and executing** post-drill and after-action **trauma-informed care for students and** reviews of each drill and exercise;

(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.

As for the expected rulemaking associated with TEC 37.1141 regarding active threat exercises, ATPE recommends the following:

1. Define “adequate notice” as required by TEC 37.1141(a)(1) both in terms of time and delivery to ensure all parties receive notice well in advance via multiple methods. With such a sensitive exercise and the importance of maintaining a positive school climate, it is imperative that no parties are caught off-guard.
2. Define and provide best practices for determining age and developmental appropriateness of exercises in accordance with TEC 37.1141(a)(5)(A), including considerations for special populations that may experience sensitivities to sound, light, or emotionally and physically distressing situations, or those who may need language translation to understand that the exercise is just a simulation.
3. Specify that the teachers included in the team developing the content of the exercise under TEC 37.1141(a)(5)(B) include special education teachers.

ATPE believes that the safety and security felt by students, staff, and other school visitors are foundational to creating an environment in which children can learn, and we appreciate the agency’s consideration of our feedback. For additional information, contact ATPE Governmental Relations at government@atpe.org or (512) 467-0071.