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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number SB147/SPACS/aHEC **Sponsor** SPAC

Tracking Number .212817.2 **Committee Referrals** SEC/SPAC;HCPAC/HEC

Short Title School Safety Drill Requirements

Analyst Stiles **Original Date** 2/14/19
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BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee Amendment to the Senate Public Affairs Committee Substitute for SB147 (SB147/SPACS/aHEC) would require schools to conduct one shelter in place drill that includes preparation to respond to an active shooter.

Synopsis of Original Bill

The Senate Public Affairs Committee Substitute for SB147 (SB147/SPACS) would change the requirements for school emergency drills from approximately 13 emergency drills per school year to eight emergency drills per year. During the first four weeks of the school year each school would be required to conduct one active shooter drill, one evacuation drill, and two fire drills. During the remainder of the school year, each school would be required to conduct at least four additional emergency drills, including two fire drills.

FISCAL IMPACT

SB147/SPACS/aHEC does not contain an appropriation.

SUBSTANTIVE ISSUES

SB147/SPACS/aHEC would change the requirements for school safety drills from current law, requiring approximately 13 emergency drills per year to be conducted in each public and private school in the state. SB147/SPACS/aHEC would require one drill a week in the first month of school, as current law requires; however, SB147/SPACS/aHEC specifies two of the drills would be fire drills, one would be a shelter in place drill that includes preparation to respond to an active shooter, and one would be an evacuation drill. SB147/SPACS/aHEC would require four more emergency drills, including two fire drills during the remainder of the year. This is a change from the current requirement of at least one drill per month for the remainder of the year.

POMS and Associates and the Department of Homeland Security and Emergency Management recommend at least two fire drills a year in addition to two evacuation drills and two shelter-in-place drills. SB147/SPACS/aHEC allows for schools to follow this recommendation while leaving schools flexibility to conduct drills that fit the school's needs. The Public Education Department (PED) notes no child has died in a school structure fire since 1958, which has been attributed to school staff and students practicing drills together.

Requirements for school fire drills have been in New Mexico statute since 1967. In 1978 the law was updated to require one fire drill a week in the first month of school and one fire drill per month thereafter. In 2005 the law was amended again to require approximately 13 emergency drills per year including two shelter-in-place drills and one an evacuation drill.

Active shooter situations continue to be a concern in New Mexico, and current law does not require schools to prepare for an active shooter situation. On December 7, 2017, two students at Aztec High School were shot and killed in an active shooter situation. Aztec's superintendent hailed the response of local law enforcement, which prevented a greater loss of lives, as officers were on the scene in minutes. The school district safety coordinator noted the importance of training all staff and teachers with information and protocols regarding active shooter situations.

ADMINISTRATIVE IMPLICATIONS

A decrease in required safety drills may relieve administrators from some planning duties as well as some clerical duties. A requirement for an active shooter school safety drill may require additional training for teachers.

PED notes the department may be required to define appropriate active shooter response drills for schools; develop an oversight process ensuring local educational agencies adhere to the changing training and other requirements; and promulgate new NMAC rules replacing the current emergency drill requirements in place of those from SB147/SPACS/aHEC. PED further notes the department would need to determine which other state agencies to collaborate with on the development and implementation of appropriate active shooter response drills.

PED notes the provisions of SB147/SPACS/aHEC would require the administrative services of existing FTEs for the promulgation of rules, research of evidenced based practices, collaborating with other state agencies, and approving appropriate training curricula on active shooter response.

TECHNICAL ISSUES

Page one, line 20 of SB147/SPACS reads, "during the first four weeks of the school year;" this line is repeated on page one, line 25.

SB147/SPACS/aHEC would require, in locations where a fire department is maintained, a member of the fire department be requested to be in attendance during the emergency drills. This provision exists in current law; however, with the addition of the active shooter drill, the sponsor may consider whether it would be appropriate for a member of the police department to be present for that the active shooter drill.

OTHER SIGNIFICANT ISSUES

The National Fire Protection Association documented 4,950 structure fires in educational properties in 2015. According to POMS and Associates, the primary contractor for the New Mexico Public Schools Insurance Authority, there have been 47 school fire incidents in New Mexico in the last ten years and 15 of these were arson. Albuquerque Public Schools (APS) note there have been no fire disasters in the last two years in APS.

With the current requirement of 13 emergency drills per year, students are potentially losing approximately 260 minutes of total learning time, although the amount of time a school takes to complete an emergency drill varies.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)

AMS/mc