

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: **Date** 1/19/19
Original **Amendment** **Bill No:** SB147
Correction **Substitute**

Sponsor: Craig Brandt **Agency Code:** 924
Short Title: SCHOOL SAFETY DRILL REQUIREMENTS **Person Writing:** Daniel Manzano
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APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	Nonrecurring	General

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 01/18/19.

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 01/18/19.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 147 (SB147) reduces the required number of annual emergency drills for schools from twelve to four, with two being shelter-in-place drills for active shooter response, and two being evacuation drills.

FISCAL IMPLICATIONS

SB147 would have an initial fiscal impact on the Public Education Department (PED), which would initiate the rulemaking process to amend New Mexico Administrative Code (NMAC) 6.29.1.9 O(1), emergency drills and practiced evacuations, to align with the legislation. The PED Safe Schools Program Coordinator would also need to collaborate with the State Fire Marshal's Office, the New Mexico Department of Public Safety and other potential partners and experts in the field in researching, coming to consensus, and identifying approved trainings for "active shooter response."

SIGNIFICANT ISSUES

No child has died in a school structure fire since 1958, when 93 people, including 90 children, died as the result of a fire at Our Lady of Angles School in Chicago, IL. Since the 1960's, states have enacted not only laws governing better construction for schools, but also requirements for school fire drills. No deaths of students in schools have been attributed to school staff and students practicing fire drills together.

The National Fire Protection Association (NFPA) estimates that U.S. fire departments respond to an average of 4,980 structure fires in educational properties annually (2011-2015). These fires caused annual averages of one civilian death (no children), 70 civilian injuries, and \$70 million in direct property damage. 68% of the fires in education properties (2011-2015) occurred in nursery, elementary, middle or high schools. 38% of those fires involved cooking equipment; 36% of those fires were intentionally set; 15% of those fires were the result of playing with a heat source (Source: NFPA Fact Sheet on Structure Fires in Educational Properties - <https://www.nfpa.org/News-and-Research/Data-research-and-tools/Building-and-Life-Safety/Structure-fires-in-educational-properties>).

NMAC 6.29.1.9 O(1), emergency drills and practiced evacuations, currently requires:

- (1) Emergency drills shall be conducted in each public school and private

school in the state, as follows:

- (a) at least once per week during the first four weeks of the school year, and at least once per month during the remainder of the school year;
- (b) two of these drills shall be shelter-in-place drills;
- (c) one of these drills shall be an evacuation drill;
- (d) nine of these drills shall be fire drills, with one fire drill required each week during the first four weeks of school;
- (e) in locations where a fire department is maintained, a member of the fire department shall be requested to be in attendance during the emergency drills for the purpose of giving instruction and constructive criticism;
- (f) it shall be the responsibility of the person in charge of a school to carry out the provisions related to emergency drills.

The PED's [*Planning for Safe Schools in New Mexico Guide*](#) (PED Guide) requires schools to provide an Assurance that they are in compliance with NMAC 6.29.1.9 O(1) for emergency drills as part of their Safe Schools Plan submission on a triennial basis, as well as have written protocols for lockdown, shelter-in-place and evacuation.

Since 2016, the PED Guide has also required that school staff receive training on how to respond to active shooter situations. An active shooter is defined as an individual actively engaged in killing or attempting to kill people in a confined and populated area. Section 5.5 of the PED Guide states: "While the lockdown protective action is often used during an active shooter situation, if you are alone or have no other alternative, you should be aware of the other options of evacuating yourself and students to safety or, as a *very last resort*, fighting to protect them and yourself. Run, Hide, Fight are three tactics that have been recognized nationally as effective survival responses to active shooter situations in schools, universities, movie theatres, shopping malls and work places."

In recent years, many states have passed laws requiring that schools include active shooter drills as part of their emergency drill requirements; however, none have eliminated fire drills entirely, as SB147 proposes. The NFPA recommends that fire drills be held at least once a month while school is in session as a national best practice.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

SB147 requires two shelter-in-place drills that include preparation to respond to an active shooter. SB147 likely has both short- and long- term administrative impacts on the PED, in that the PED may be required to: (1) define appropriate active shooter response drills for schools; (2) develop and/or approve a training curriculum or materials, as well as potentially be required to develop an oversight process ensuring LEAs adhere to the additional training and other requirements; and (3) promulgate new NMAC rules replacing the current emergency drill requirements in place of those from SB147. The PED would need to determine which other state agency(ies) to collaborate with on the development and implementation of appropriate active shooter response drills for the schools.

The bill requires the administrative services of existing Full Time Equivalent (FTEs) for the promulgation of rules, research of evidenced based practices, collaborating with other state agencies, and approving of appropriate training curricula on active shooter response.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None as of 01/18/19.

TECHNICAL ISSUES

Page 1, lines 22-24 of SB147, mischaracterizes shelter-in-place drills to include active shooter response. Shelter-in-place drills isolate the inside environment from the outside environment, such as for an external hazardous materials situation or a wild animal on campus, while regular classroom activities continue within the school. Shelter-in-Place procedures are used when the building is seen as a place of safety but locking down the building is not necessary. The Senator may wish to use the term “active shooter protocol” instead of “shelter-in-place drill”. During an active shooter response, regular classroom activities would be suspended as school staff would likely implement a developmentally appropriate variation of the nationally recognized best practice of run, hide, fight for active shooter situations.

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Schools will continue to follow current law on emergency drills, which requires one fire drill each week during the first four weeks of the school year and at least one each month thereafter, as well as two shelter-in-place-drills and one evacuation drill.

AMENDMENTS

None as of 01/18/19.